

**TOWN OF CHATHAM
SATURDAY, JUNE 12, 2021
12:00 P.M. – VETERAN’S FIELD
ANNUAL TOWN MEETING MINUTES**

Moderator William G. Litchfield opened this Annual Town Meeting at 12:15 p.m. Due to COVID constraints, this Annual Town Meeting was again held outside at Veteran’s Field (1 Veteran’s Field Road). There were 756 voters present, far exceeding the quorum of 100 voters.

Members of the CERT Team (Community Emergency Response Team) Victoria Chane, Warren Chane, Joanna Danias, Michael Kondraki, David Miller, Patricia O’Reilly, Timothy Scherzo, and Jane Sullivan were on hand to assist with COVID-19 safety protocols.

Also present to check in our voters were the following Election Officials: Bette Hahner, Diane Rowlings, Jennifer Smith, Melanie Taylor, and Paula Tobin. Louise Redfield served as the Head Teller.

On behalf of Town Clerk Julie Smith, the Moderator read the “Constable’s Return of Service”

Barnstable, ss: Pursuant to the written WARRANT, I have notified and warned the inhabitants of the Town of Chatham by posting attested copies of the same in each of the Post Offices of said Town at least fourteen days before June 12, 2021 on May 6, 2021, John Proudfoot, Constable.”

The Moderator administered the Oath of Office to the Volunteer Tellers for the afternoon: Bruce Beane, Peter Connick, Harding Daniel, Louise Redfield, and Deborah Walther.

The Moderator then told the meeting that it was traditional and appropriate to observe a moment of silence to recognize the Chatham residents who were former town officers, employees and volunteers who have passed since our last Annual Town Meeting: Olive Bogue, Joseph P. Buckley, Jr., Helen E. Confalone, Frederick W. Crimins, Jr., Anne H. Foster, Robert O. Hamblet, Josephine P. Ives, William J. McClellan, Jr., Jean P. Raymond Beverly E. Ricci, Suzanne E. Larsen, and Josephine P. Ives.

Moderator Litchfield also presented following Articles to the voters to be voted under a Consent Calendar: Articles 5, 11, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 43, 45, 46, 48, 49, 50, 54, 56, 57, 58, and 60.

The following Articles were also presented under the Consent Calendar, but voters requested they be put on a “Hold” and voted as their own separate articles: Articles 6, 41, 42, and 44.

VOTE: Voice. So Voted Unanimously.

Resolution: Resolved that the Town vote to adopt the following rules of procedure for the Town Meeting of June 12, 2021.

- A) The Moderator shall have the option of reading each Article in the Warrant verbatim or summarizing the subject matter therein in general terms, at his discretion.**
- B) Upon an Article having been disposed of by vote, the Moderator shall entertain a motion to reconsider said Article or to accept a Resolution pertaining to said Article only during the same session during which said vote was acted upon.**
- C) A motion to move the previous question shall require a two-thirds vote and may not be debated.**
- D) The Moderator shall not accept a motion to move the previous question by any person discussing the Article until after an intervening speaker has discussed the Article.**
- E) A non-voter may request the privilege of addressing the meeting on a motion made under any Article or Resolution offered, the request to be granted by the Moderator unless there is an objection by a voter. Upon objection, the Moderator shall poll the meeting by voice or count, at his discretion, and a majority vote in favor shall entitle said non-voter to address the meeting. However, the Moderator may grant the privilege of the floor to any non-resident Town Department Head without necessity of a vote.**
- F) The Moderator shall not entertain the question of the presence of a quorum at any point at which a motion to move the previous question has already been voted.**
- G) Speakers addressing the meeting shall be limited to five (5) minutes within which to present their remarks. The Moderator will not recognize anyone who has previously spoken on the Article until all persons wishing to address the meeting have had an opportunity to speak. The Moderator may exercise reasonable discretion in enforcement of this rule.**

The foregoing rules are not intended to alter or change the traditional conduct of the Town Meetings in Chatham except as specifically stated above.

VOTE: Voice. So Voted Unanimously.

Article 1 – Annual Town Election

To bring in their votes on one ballot to elect the following Town Officers:

Two Select Board Members for three (3) year terms
One Moderator for three (3) year term
One Housing Authority Member for five (5) year term
One Monomoy Regional School Committee (Chatham) Member for three (3) year term each

NO MOTION

Article 2 – Accept Annual Reports

To hear the reports of various Town Officers and Committees and see what action the Town will take relative to the appointment of officers not chosen by ballot, or take any other action in relation thereto.

(Select Board)

Motion: Shareen Davis, Chair, Select Board, moved that the Town Moderator and Select Board be authorized to appoint the necessary Town officers whose appointments are not otherwise provided for and that the Town hear and accept the reports of various Town officers and committees as they appear in the Town Report.

Explanation: The purpose of this Article is to enable a Town officer or committee member to address the Town Meeting. The Town's Annual Report is available on the Town's website www.chatham-ma.gov/town-manager/pages/annual-town-reports, and at the Office of the Select Board/Town Manager.

VOTE: Voice. So Voted Unanimously.

Article 3 - Prior Year Bills Payment Appropriation

To see if the Town will vote to raise and appropriate, and/or transfer from available funds \$11,524.28 to be expended for payment of prior year bills.

(Select Board)

Motion: Peter Cocolis, Select Board, moved that the Town vote to appropriate and transfer from Free Cash, the sum of \$11,524.28 for payment of the following invoices:

| Dept | Date | Vendor | Description | Amount |
|---------|-----------|-----------------------------------|---------------------------------|--------------------|
| Com Dev | 5/23/2018 | WB Mason | Office Supplies | 55.18 |
| DPW | 6/13/2018 | M&M Trucking | Transport MSW to SEMASS | 399.00 |
| IT | 6/17/2020 | Open Gov | Software License (May-June) | 3,216.00 |
| IT | 6/1/2020 | Open Gov | Contractor License Verification | 75.00 |
| NR | 6/30/2020 | David Likos | Reimbursement - Mileage | 87.98 |
| Legal | 6/8/2020 | Louison, Costello, Condon & Pfaff | Legal Services – May 2020 | 7,691.18 |
| | | | TOTAL | \$11,524.28 |

Explanation: These invoices were received after the close of the fiscal year, or there were no funds remaining from which to pay the invoice.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

Vote Required: Four-Fifths Majority

VOTE: Voice. So Voted Unanimously.

Article 4 – FY2021 Budget Adjustments (Current Fiscal Year) - (PLACEHOLDER)

To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as it determines necessary to balance the following line items noted below within the fiscal year Budget approved under Article 9 of the 2020 Annual Town Meeting for the period beginning July 1, 2020 and ending June 30, 2021 inclusive, or take any other action in relation thereto.

(Select Board)

NO MOTION

Explanation: This is a placeholder article in case there are any identified current fiscal year-end balance transfers required.

Select Board Recommendation: Recommendation from Town Meeting floor.

Finance Committee Recommendation: Recommendation from Town Meeting floor.

Article 5 – Fix Salaries – Elected Officials

To fix salaries of elected Town officers for the fiscal year beginning July 1, 2021 or take any other action in relation thereto.

| <u>Officer</u> | <u>FY2020 Voted</u> | <u>FY2021 Request</u> |
|----------------------------|----------------------------|------------------------------|
| Moderator | \$ 1,200 | \$ 1,200 |
| Select Board Member – Each | \$ 4,000 | \$ 4,000 |
| Chairman – Extra | \$ 1,000 | \$ 1,000 |

(Select Board)

Motion: Dean Nicastro, Select Board, moved that the Town vote to fix the salaries of the elected Town officers in accordance with the positions and amounts in this Article.

Explanation: In accordance with Massachusetts General Law, Chapter 41, Section 108, salaries and compensation of elected officers must be fixed annually by vote of the Town at an Annual

Town Meeting. This Article fixes (sets) but does not appropriate these salaries. Actual appropriation of funds for these salaries occurs under Article 8 – Town Operating Budget.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: CONSENT CALENDAR

Article 6 – Consolidated Revolving Funds

To see if the Town will vote to establish the following spending limits for the fiscal year commencing on July 1, 2021 with respect to the Revolving Funds established by Chapter 37, Article I of the General Bylaws, or take any other action in relation thereto:

- A) Airport Revolving Fund
No more than \$75,000 shall be expended from this fund during fiscal year 2022.
- B) Bassett House Revolving Fund
No more than \$8,000 shall be expended from this fund during fiscal year 2022.
- C) Inspectional Services Revolving Fund
No more than \$80,000 shall be expended from this fund during fiscal year 2022.
- D) Recycling Revolving Fund
No more than \$5,000 shall be expended from this fund during fiscal year 2022.
- E) Marconi Station Revolving Fund
No more than \$10,000 shall be expended from this fund during fiscal year 2022.
- G) Waterways User Fee Revolving Fund
No more than \$500,000 shall be expended from this fund during fiscal year 2022.

(Select Board)

Motion: Cory Metters, Select Board, moved that the Town authorize and approve the Airport Revolving Fund, Bassett House Revolving Fund, Inspectional Services Revolving Fund, Recycling Revolving Fund, Marconi Station Revolving Fund, and Waterways User Fee Revolving Fund spending limits for Fiscal Year 2022 in the amounts listed in Article 6 of the Warrant.

Explanation: *The purpose of these revolving funds is to segregate revenues generated by each of these operations and to restrict use of those revenues to the purpose for which they are collected. As required by State statute, the following is an accounting of these funds for the prior fiscal year through December 31, 2020:*

Airport Revolving Fund

| | <u>Balance</u> | <u>Receipts</u> | <u>Expenditures</u> | <u>Balance</u> |
|--------|----------------|-----------------|---------------------|----------------|
| FY2020 | \$41,643.83 | \$45,479.72 | \$81,728.67 | \$5,394.88 |
| FY2021 | \$5,394.88 | \$81,596.84 | \$36,414.00 | \$50,577.72 |

(Thru 12/31/2020)

Bassett House Revolving Fund

| | <u>Balance</u> | <u>Receipts</u> | <u>Expenditures</u> | <u>Balance</u> |
|--------|----------------|-----------------|---------------------|----------------|
| FY2020 | \$31,801.89 | \$2,750.00 | \$0.00 | \$34,551.89 |
| FY2021 | \$34,551.89 | \$1,750.00 | \$0.00 | \$36,301.89 |

(Thru 12/31/2020)

Inspectional Services Revolving Fund

| | <u>Balance</u> | <u>Receipts</u> | <u>Expenditures</u> | <u>Balance</u> |
|--------|----------------|-----------------|---------------------|----------------|
| FY2020 | \$104,715.34 | \$51,008.65 | \$68,534.53 | \$87,189.46 |
| FY2021 | \$87,189.46 | \$30,480.75 | \$19,222.50 | \$98,447.18 |

(Thru 12/31/2020)

Recycling Revolving Fund

| | <u>Balance</u> | <u>Receipts</u> | <u>Expenditures</u> | <u>Balance</u> |
|--------|----------------|-----------------|---------------------|----------------|
| FY2020 | \$(167.58) | \$772.71 | \$ 990.00 | \$(384.87) |
| FY2021 | \$(384.87) | \$294.59 | \$ 0.00 | \$(90.28) |

(Thru 12/31/2020)

Marconi Station Revolving Fund

| | <u>Balance</u> | <u>Receipts</u> | <u>Expenditures</u> | <u>Balance</u> |
|--------|----------------|-----------------|---------------------|----------------|
| FY2020 | \$2,397.41 | \$21,000.00 | \$2,843.08 | \$20,554.33 |
| FY2021 | \$20,554.33 | \$10,500.00 | \$7,959.99 | \$29,094.34 |

(Thru 12/31/2020)

Waterways User Fee Revolving Fund

| | <u>Balance</u> | <u>Receipts</u> | <u>Expenditures</u> | <u>Balance</u> |
|--------|----------------|-----------------|---------------------|----------------|
| FY2020 | \$675,291.27 | \$235,940.77 | \$200.00 | \$911,432.04 |
| FY2021 | \$911,432.04 | \$115,045.90 | \$300.00 | \$1,026,177.94 |

(Thru 12/31/2020)

Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted. "In my opinion, the Ayes have it", declared the Moderator.

Article 7 – Wood Waste Reclamation Facility Enterprise Fund

To see if the Town will vote to raise and appropriate and/or transfer from available funds, \$25,000 to operate the Wood Waste Reclamation Facility Enterprise Fund.

| | |
|--------------------|----------|
| Lease Revenue | \$25,000 |
| Operating Expenses | \$25,000 |

(Select Board)

Motion: Peter Cocolis, Select Board, moved that the Town vote to appropriate \$25,000 to operate the Wood Waste Reclamation Facility Enterprise Fund and to meet said appropriation the Town raise \$25,000 through lease revenue or other funds available for appropriation.

Explanation: Town Meeting voted to adopt Chapter 44 Section 53F ½ of the Massachusetts General Laws establishing an Enterprise Fund. An enterprise fund establishes a separate accounting and financial reporting system to support a specific business activity, in this case the Wood Waste Reclamation Facility. The current lease of the property expires December 31, 2029.

One of the requirements of an enterprise fund is that a budget has to be adopted at Town Meeting every year. The Wood Waste Facility is leased out with annual revenue at approximately \$25,000 per year. The revenue will be used to support groundwater monitoring and other costs associated with operation of the facility.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted Unanimously.

Article 8 – Town Operating Budget

To see if the Town will vote to raise and appropriate and/or transfer from available funds \$33,045,296 for Town expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries, and expenses for operation of the Town's departments and offices, all for the fiscal year beginning July 1, 2021 and ending June 30, 2022 inclusive.

(Select Board)

FY2022 Town Operating Budget Overview

| Description | FY2020 Actual | FY2021 Voted | Proposed Budget FY2022 |
|-------------------------------------|------------------|-----------------|---------------------------|
| Operating Budgets (Expenses) | | | |
| General Government | 2,364,360 | 2,549,519 | 2,619,200 |
| Public Safety | 6,358,605 | 6,814,445 | 7,101,337 |
| Community Development | 846,215 | 917,845 | 859,983 |

| | | | |
|--|-------------------|-------------------|---------------------|
| Natural Resources | 1,698,433 | 1,788,418 | 1,816,953 |
| Public Works & Facilities | 5,624,652 | 5,999,132 | 6,383,028 |
| Community & Social Services | 1,305,323 | 1,457,401 | 1,439,090 |
| Employee Benefits | 4,970,828 | 5,198,604 | 5,417,963 |
| Undistributed Ins. & FinCom Reserve Fund | 570,107 | 727,833 | 754,946 |
| Debt Service | 6,116,978 | 6,756,806 | 6,652,795 |
| Operating Budget Total | 29,855,501 | 32,210,003 | \$33,045,296 |

Motion: Shareen Davis, Chair, Select Board, moved that the Town vote to appropriate the sum of \$33,045,296 to fund the Operating Budget for the Town for the fiscal year beginning July 1, 2021 for the purposes and amounts designated in the column titled “Proposed Budget FY2022” of Article 8 of the Warrant and to meet said appropriation, the Town raise \$32,735,046 through taxation; and transfer \$100,000 from the Waterways Improvement Fund, \$78,750 from the Land Bank Fund, \$25,000 from the Wetlands Protection Fund, \$100,000 from the PEG Cable Access Fund, \$5,000 from Cemetery Perpetual Care, and \$1,500 from the Railroad Museum Fund.

Explanation: A full explanation of this funding request and its fiscal context is provided in Appendix B: Town Manager’s Budget Summary. The Regional Schools’ Operating Budgets are not included in this Article and are presented in Articles 9 and 10.

The FY2022 Operating Budget, without the education assessments, totals \$33,045,296 for an increase of \$835,293 or 2.59% over the FY2021 Operating Budget.

At this time, the projected tax rate is \$5.03 – a 0.97% increase over FY2021 considering all warrant articles, but not including Town valuation.

Please visit the Town’s website, Budget Central for the Town Manager’s FY2022 Budget message and links to the Budget Book: <https://www.chatham-ma.gov/budget-central/pages/fy2022-budget-updates> Town and Regional Schools’ budget details and financial documents past and present can also be found there.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

Vote: Voice. So Voted Unanimously.

Article 9 – Regional School Operating Budget - Monomoy Regional School District

To see if the Town will vote to raise and appropriate the sum of \$8,524,697 for Chatham’s share of the Regional Educational and School expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries, and expenses for operation of the Monomoy Regional School District for the fiscal year beginning July 1, 2021 and ending June 30, 2022 inclusive.

(Select Board)

FY2022 MRSD Operating Budget Overview

| EDUCATION | | | | PROPOSED BUDGET FY2022 |
|----------------------------------|-----------------|-----------------|-------------------|---------------------------|
| DESCRIPTION | FY2020 VOTED | FY2021 VOTED | FY2022 REQUEST | |
| Operating Budgets (Expenses) | | | | |
| Monomoy Regional School District | \$9,138,886 | \$8,899,195 | \$8,524,697 | \$8,524,697 |

Motion: Jeffrey Dykens, Select Board, moved that the Town vote to appropriate the sum of \$8,524,697 to fund the Operating Budget for the Monomoy Regional School District for the fiscal year beginning July 1, 2021 for the purposes and amounts designated in the column titled "Proposed Budget FY2022" of Article 9 of the Warrant and to meet said appropriation, the Town raise \$8,524,697 through the tax rate.

Explanation: This article requests funding for Chatham's obligation to the Monomoy Regional School District as a separate "assessment" within the Town's budget. Compared to FY2021, the FY2022 assessment reflects a decrease of \$374,498 from the amount approved at the 2021 Town Meeting in June. The final FY2021 Assessment for Chatham was approved by the Monomoy Regional School Committee after our ATM at an amount of \$8,899,195 (additional savings of \$119,894 in FY2021). The total School Budget of \$41,561,134 is an increase of 0.73% over the FY2021 budget, while maintaining all existing services and programs. This article funds the Chatham portion of the Monomoy Regional School District as voted by the Monomoy Regional School Committee on March 11, 2021. Please refer to Appendix D for more detail.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted Unanimously.

Article 10 – Regional School Operating Budget - Cape Cod Regional Technical High School

To see if the Town will vote to raise and appropriate the sum of \$451,856 for Chatham's share of the Regional Educational and School expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries, and expenses for operation of the Cape Cod Regional Technical High School for the fiscal year beginning July 1, 2021 and ending June 30, 2022 inclusive.

(Select Board)

FY2022 CCRTHS School Operating Budget Overview

| EDUCATION | | | | PROPOSED BUDGET FY2022 |
|------------------------------|-----------------|-----------------|-------------------|---------------------------|
| DESCRIPTION | FY2020 VOTED | FY2021 VOTED | FY2022 REQUEST | |
| Operating Budgets (Expenses) | | | | |

| | | | | |
|----------------------------------|-----------|-----------|-----------|-----------|
| Cape Cod Regional Technical H.S. | \$276,612 | \$304,877 | \$451,856 | \$451,856 |
|----------------------------------|-----------|-----------|-----------|-----------|

Motion: Peter Cocolis, Select Board, moved that the Town vote to appropriate the sum of \$451,856 to fund the Operating Budget for the Cape Cod Regional Technical High School for the fiscal year beginning July 1, 2021 for the purposes and amounts designated in the column titled “Proposed Budget FY2022” of Article 10 of the Warrant and to meet said appropriation, the Town raise \$451,856 through the tax rate.

Explanation: *This article requests funding for Chatham’s obligation to the Cape Cod Regional Technical High School as a separate “assessment” within the Town’s budget. Compared to FY2021, the FY2022 budget reflects an increase of \$28,265 for Cape Tech as voted by the CCRTHS School Committee. The budget covers costs for fifteen (15) Chatham students (vs. ten in 2021) and includes the debt service, \$149,894, for the new school building.*

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted Unanimously.

Article 11 – Collective Bargaining Agreement Settlements

To see if the Town will vote to raise and appropriate the sum of \$30,700 to fund compensation and/or other cost items resulting from collective bargaining agreement contract settlements.

(Select Board)

Motion: Shareen Davis, Chair, Select Board, moved that the sum of \$30,700 be raised and appropriated to fund salary increases and other cost-items resulting from contract settlements by and between the Town of Chatham and 1) the *MA Coalition of Police, Local 294 - Chatham Sergeants and Patrol Officers Union*, in the amount of \$29,085, and 2) the *New England Police Benevolent Association, Local 115 - Civilian Police Dispatchers and Animal Control Officer*, in the amount of \$1,615; to authorize the Town Accountant to allocate such sums to the appropriate operating budgets, and to meet this appropriation, the Town raise \$30,700 through taxation.

Explanation: *Total funding requested is \$30,700 to be raised by taxation for the above successor Collective Bargaining (Union) Agreements expiring on June 30, 2021. On April 13, 2021, the Select Board voted to ratify (approve) the two Agreements as presented by the Town Manager. Both successor Agreements have a three-year duration expiring on June 30, 2024. Funding for the Agreements is not included in the FY2022 proposed operating budget under Article 8.*

Collective Bargaining Agreements are posted on the Town’s website <https://www.chatham-ma.gov/human-resources/pages/town-employee-contractsagreements> and available for public review in the Office of the Select Board/Town Manager at 549 Main Street.

Select Board Recommendation: Approve 5-0-0
 Finance Committee Recommendation: Approve 7-0-0

VOTE: CONSENT CALENDAR

Article 12 – Water Department Operating Budget

To see if the Town will vote to raise and appropriate and/or transfer from available funds \$3,581,052 necessary for expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries, and expenses for operation of the Town Water Department for the fiscal year beginning July 1, 2021 and ending June 30, 2022 inclusive.

(Select Board)

FY2022 Water Operating Budget Overview

| WATER FUND | | | | Water Budget |
|--|--------------------|--------------------|--------------------|--------------------|
| Description | FY2020 Actual | FY2021 Voted | FY2022 Request | FY2022 Proposed |
| Water Costs | | | | |
| Operating | | | | |
| Salaries | \$200,587 | \$223,338 | \$232,169 | \$232,169 |
| Expenses | \$1,336,337 | \$1,599,750 | \$1,863,200 | \$1,863,200 |
| Sub-total Operating | \$1,536,924 | \$1,823,088 | \$2,095,369 | \$2,095,369 |
| Debt | | | | |
| Principal | \$1,101,671 | \$875,329 | \$836,930 | \$836,930 |
| Interest – Long-term | \$261,750 | \$310,205 | \$276,175 | \$276,175 |
| Interest – Short-term | \$0 | \$50,000 | \$75,000 | \$75,000 |
| Subtotal Debt | \$1,363,422 | \$1,228,209 | \$1,188,105 | \$1,188,105 |
| Total Water Direct Costs | \$2,900,345 | \$3,051,297 | \$3,283,474 | \$3,283,474 |
| Overhead – Indirect Costs | \$266,774 | \$290,320 | \$297,578 | \$297,578 |
| Overhead – Rate Payback for Betterments | \$0 | \$0 | \$0 | \$0 |
| Subtotal Overhead | \$259,004 | \$266,774 | \$297,578 | \$297,578 |
| Water Operating Budget | \$3,167,120 | \$3,341,617 | \$3,581,052 | \$3,581,052 |

Motion: Cory Metters, Select Board, moved that the Town vote to appropriate \$3,283,474 for direct costs, and further that an additional \$297,578 be transferred to the General Fund to be applied to overhead and indirect costs associated with the Water Department Operating Budget of the Town for the fiscal year beginning July 1, 2021, for the purposes and in the

amounts designated in the column titled “Proposed Water Budget FY2022” of Article 12 of the Warrant and to meet said appropriation, the Town raise \$3,181,052 through water receipts and raise \$400,000 through the tax rate for a total of \$3,581,052.

Explanation: *The FY2022 Water Department budget is directed towards continuing to improve the quality of water provided, customer service, and providing a high level of reliability to the water supply and distribution system to ensure the Town has safe drinking water and the required flows for fire suppression.*

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted Unanimously.

Article 13 – Five Year Capital Authorization

To see if the Town will vote to raise and appropriate, and/or transfer from available funds \$2,881,200 to be expended for capital projects, equipment, and expenses.

(Select Board)

FY2022 Capital Budget Overview

| Description | FY2021 Actual | FY2022 Request | FY2022 Proposed |
|---|--------------------|---------------------|---------------------|
| CAPITAL PROGRAM & BUDGET SUMMARY | | | |
| General Government | 300,000 | \$574,000 | 300,000 |
| Public Safety | 102,145 | \$237,500 | 102,145 |
| Community Development | - | 0 | - |
| Natural Resources | 297,000 | \$2,275,400 | 297,000 |
| Public Works (without Water) | 1,148,000 | \$21,007,825 | 1,148,000 |
| Equipment | 477,000 | \$1,835,300 | 477,000 |
| Total Town Funded Capital Budget | \$2,324,145 | \$25,930,025 | \$ 2,881,200 |

Motion: Jeffrey Dykens, Select Board, moved that the Town vote to appropriate \$2,881,200 for the purpose of funding the FY2022 Capital Budget in the column titled “FY2022 Proposed” of Article 13 of the Warrant and to meet said appropriation, the Town transfer \$2,647,700 from Free Cash, \$150,000 from Waterways Improvement Fund, \$25,000 from Cemetery Sale of Lots, \$50,000 from the PEG Cable Access Fund and \$8,500 from Article 9 of ATM May 12, 2008.

Explanation: *Items in the Capital Improvement budget fall into the categories of maintenance projects (not ongoing maintenance), equipment, and new projects within the range of \$10,000-\$250,000. These items are deemed necessary to provide essential services in a safe and efficient manner and can be initiated July 1 or shortly thereafter. Where possible we have identified*

items that contribute to workplace safety, and or to items necessary for response to the COVID-19 pandemic. There is no reliance on the tax levy for the FY2022 Capital Budget. Please refer to Appendix G for details specific to FY2022 appropriations and the five-year plan as a whole. The balance of Free Cash after approving this article is \$2,659,224.00.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted Unanimously.

**Article 14 - Eldredge Public Library (EPL) Shell Repairs, Site Safety
and Access Improvements; 564 Main Street**

To see if the Town will vote to raise and appropriate and/or transfer from available funds \$1,111,800 for making shell repairs, implementing site safety and access improvements at the Eldredge Public Library, 564 Main Street.

(Select Board)

Motion: Dean Nicastro, Select Board, moved that the Town appropriate the sum of \$1,111,800 to fund making shell repairs, implementing site safety and access improvements at the Eldredge Public Library and for all costs incidental and related thereto, and to raise \$1,111,800 through the tax rate.

Explanation: *The scope of this article is the result of a sequence of events leading up to the 2020 Annual Town Meeting (ATM) for both previously approved and requested capital articles for the Eldredge Public Library. The following chronology outlines the previous library capital approval, requests and actions forming the basis for Article 14:*

Site Master Plan Project - ATM 2018 approved Article 15 authorizing \$483,000 for design development, engineering, construction services, electric panel repairs and an equipment area protective roof to implement the approved concept to rework the site with handicap accessible sidewalks/monument, parking lot improvements, improved site features and new landscaping. Building upon the concept approved by the Select Board work on the project began in FY19 and FY20 focused on translating the concept to engineered site plans for review by the Planning Board (PB) and Historic Business District Commission (HBDC) on track to putting the project out to bid pending final review of proposed tree removal prior to finalizing construction documents and putting to project out to bid for construction in Fall 2020.

Comprehensive Shell Repairs Project – In addition to the planning for site improvements underway, a second capital project was targeted for FY21 funding. As a result of study findings on the building's shell deficiencies, funding of \$1,317,000 was identified as part of the capital planning process for critical roof, window, and masonry repairs to protect the integrity of the building, its interior and contents/equipment. Since a portion of the needed repairs were eligible for Community Preservation Act (CPA) funding, an application seeking \$206,200 (Article 35) was

submitted and approved by ATM in 2020. A second capital article seeking the balance of the total project funding needed for the project requesting \$1,110,800 (Article 18) was also submitted for inclusion to meet March deadlines as part of the process to finalize the May 2020 ATM Warrant.

Streamlining of 2020 ATM Warrant – The COVID-19 pandemic and its uncertain impact on economic conditions forced revisiting 2020 ATM Articles in the late spring of 2020 to find additional savings and reviewing impacts of further prioritizing projects submitted and proposing others for deferment of funding requests to future Town Meetings. To meet revised fiscal planning objectives, the previously approved Site Master Plan funding and requested Comprehensive Shell Repairs Project were reviewed for opportunities to reduce the FY21 request and reprioritize the sequencing of identified capital planning projects for the Library.

REVISED PROJECT/Roof Repairs Only – In order to meet revised fiscal objectives resulting from COVID-19, the scope of the FY21 capital request was reduced to prioritize roof repairs over remaining items associated with the Site Master Plan implementation and the balance of needed shell repairs. From a fiscal perspective, the reduced scope resulted in a total project budget request of \$701,800 to the 2020 ATM that was pushed back to the end of June. To maximize the reduction impact on the FY21 Tax Levy, the resulting revised article was structured to reallocate, offset, and seek new funding as follows to meet the requested project budget.

This funding request of \$1,111,800 is to make previously identified shell repairs and constructing site safety/access improvements identified in the Site Master Plan. The Eldredge Public Library building, and site have not been substantially improved since the 1991 addition. Since that last project over close to 30 years ago, both the site and building need attention. Upon the completion of the slate roof replacement, shell preservation efforts are to shift to window/door rehabilitation/replacement, and masonry wall repairs. Site Safety and Access Improvements to be implemented include upgrades to improve pedestrian/parking lot safety to meet current handicap access requirements and needs, restoration of the “Pioneer Memorial”, landscaping and site amenity improvements. The below Total Project includes \$615,200 for the balance of shell repairs identified for the original FY21 request, “refunding” the implementation portion of the original Site Master Plan project funding that was reallocated to the Roof Replacement project funded by the June 2020 ATM and a five-percent factor for contingency and escalation. The funding source is the tax levy; the impact of this project has been factored into the projected increase of 0.97% to the levy.

Total Project Budget – EPL Shell Repairs, Site Safety and Access Improvements

| Cost Line Items | Bid Documents/Project Implementation |
|------------------------------------|---|
| Shell Repairs | \$615,200 |
| Site Master Plan | \$443,600 |
| Contingency/Escalation (5%) | \$53,000 |
| Total | \$1,111,800 |

Select Board Recommendation:

Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-1

VOTE: Voice. So Voted Unanimously.

Article 15 - New Council on Aging (COA) Facility Design and Construction; 1610 Main Street



Council on Aging from Main Street

To see if the Town will vote to appropriate \$8,395,555 for the purpose of paying costs of design, construction and equipping a new Council on Aging (COA) Facility at site 1610 and 0 Main Street, Chatham, respectively identified by Assessors' Maps 9E-2-1 and 9E-2-2, including payment of all other costs incidental and related thereto, and to authorize the Treasurer, with the approval of the Select Board, to borrow said sum under and pursuant to Chapter 44, §7(1) of the General Laws, or pursuant to any other enabling authority to meet this appropriation, and to issue bonds or notes of the Town, therefore; provided however, that no sums shall be borrowed or expended hereunder unless the Town shall have voted to exclude the amounts needed to repay any borrowing authorized by this vote from the limitation imposed upon the total property taxes that may be levied within the Town by Chapter 59 §21C, of the Massachusetts General Laws (Proposition Two and One Half).

(Select Board)



Council on Aging from driveway entrance

Motion: Peter Cocolis, Select Board, moved that the sum of \$8,395,555 is hereby appropriated for the purpose of paying costs of design, construction, and equipping a new Council on Aging (COA) Facility at a site located 1610 and 0 Main Street, Chatham, respectively identified by Assessors' Maps 9E-2-1 and 9E-2-2, including payment of all other costs incidental and related thereto, and to meet this appropriation, the Treasurer, with the approval of the Select Board, is hereby authorized to borrow said sum under and pursuant to Chapter 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town, therefore; to authorize the Select Board to accept and expend any funds which may be provided by any private sources to defray a portion of all of the costs associated with the project; provided that the amount of any such notes or bonds issued hereunder shall be reduced by the amount of any such funds received prior to the sale of such notes or bonds; provided however, that no sums shall be borrowed or expended hereunder unless the Town shall have voted to exclude the amounts needed to repay any borrowing authorized by this vote from the limitation imposed upon the total property taxes and may be levied within the town by Chapter 59 §21C, of the Massachusetts General Laws (Proposition Two and One Half). Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.



Council on Aging from rear parking area

Explanation: *The Town continues to move forward replacing capital facilities deficient in meeting current and projected needs. In 2011, discussions on addressing deficiencies with the existing Council on Aging (COA) facility were tabled as the Town focused its efforts on building a new Fire Station Headquarters. In 2015 a comprehensive Community Needs Assessment (CNA) was commissioned by the Chatham COA. Components of the CNA included a demographic profile of Chatham; brief survey of summer residents; community forums; focus groups; key informant interviews; survey-based data collection from year-round residents over 50 years old; overview of current COA programs, service availability/usage; and peer community comparisons.*

The final report “The Future of Aging in the Town of Chatham: Chatham Council on Aging Needs Assessment Study” is available at www.chathamcoa.com. In May 2016, utilizing input from community leaders, stakeholders, residents, volunteers and staff, a consultant assisted in the development of revised Mission and Values Statements and an Action Plan as a guide for the Chatham COA to use in implementing the findings of the CNA. In November of 2016, staff made a presentation to the Select Board on the existing facility’s status and potential options. The limitations of the existing space and site, coupled with projected increase in demand for COA services, led to a consensus that the existing building at 193 Stony Hill Road no longer provides for operational efficiency and is ready for replacement.

Examples of how the existing facility does not meet the Town’s needs for a present day COA programming and is constrained in addressing future needs for residents include:

- Columns in the middle of many rooms restricting their use and limiting the actual occupancy.*

- Spaces used in the basement have few or no windows.
- Three-story layout impedes circulation and supervision.
- Outreach offices that require confidentiality are adjacent to the lobby creating privacy issues.
- Reception area located to the right of the entry makes it difficult to monitor arrivals/departures.
- Director's office accessed through another office.
- Second floor spaces are small and conference room is accessed through the library and greeting card area.
- Low ceilings throughout the building.
- Inability to adequately circulate fresh air as Heating Ventilation and Cooling (HVAC) system lacks an air handler; there is no forced introduction of outside air nor exhausting of building air to provide the necessary air exchange changes to accommodate professional office space and public assembly.
- Inadequate parking.

In 2017 staff initiated a review of Town-owned properties for a site to which the COA could be relocated. An Architect was engaged to advance a Space Needs Analysis and Program Development. At the Select Board's meeting on November 14, 2017 the Architect, along with Town staff, presented an overview of the results of the Space Needs Program analysis and an update on the site selection process in the context of the space needs findings and discussions with stakeholders. At this time the Select Board accepted the space needs program and the recommended minimum site area requirement and authorized staff to issue a Request for Proposals (RFP) for private parcels meeting the minimum site area requirement (1.5 acres) as consensus on a viable Town-owned was not identified at that time.

The ATM 2018 approved Article 14 (\$100,000) to fund a Feasibility Study for schematic design and hiring an Owners Project Manager to develop final concept plan, contingent upon identification of a site for the new facility.

When the RFP process for private market site options did not yield a viable site, the Select Board directed more detailed pre-feasibility "test-fits" be conducted to move towards making a final site selection for a new Council on Aging (COA) facility. Four (4) Town-owned sites were reviewed for multiple site development layouts with the assistance of an architect. In November 2018, the Select Board made a location selection decision to site a new Council on Aging (COA) facility off Middle Road. In December 2018/January 2019 procurement of an Owners Project Manager (OPM) and Designer for the project was completed to move the project in early 2019 towards an accepted final concept plan for presentation to 2019 Annual Town Meeting for full design and construction funding.

In March of 2019, the Select Board accepted a final concept plan and total project budget to be considered for final design plans, building construction and site development for a location off

Middle Road. This concept approved by the Board was a reduced version from the original space needs study preliminary concept proposed based upon public feedback about size and price concerns. With the assistance of a Working Group including Select Board, Finance Committee, and Summer Residents Advisory Committee members supplementing the Architect, OPM and Town staff, multiple plan changes and reductions were incorporated into the final concept to gain Select Board consensus and bring forward a project balancing function with cost-effectiveness.

The 2019 Annual Town Meeting article for a new COA facility off Middle Road failed to obtain the required 2/3rds majority and subsequently a multi-pronged approach to advance the project was employed including revisiting Town-owned sites for siting potential, renewed exploration of private sites and seeking additional public input.

Starting with the universe of all Town-owned sites/alternatives already reviewed, locations were re-screened using new criteria requested by the Select Board and a lowered site minimum of 58,000 sq. ft. reduced from the previous 84,000 sq. ft. based upon the detailed feasibility work conducted during the Working Group process for the Middle Road site.

The revised minimum area still provided the flexibility to consider a one or two-level building depending on individual lot configurations or other considerations. Town-owned sites suggested after 2019 Annual Town Meeting were added for consideration as appropriate. Additionally, an RFP was reissued to seek proposals for private sites for a new COA.

In the period between September and November 2019, test-fits on three site locations were reviewed, refined and ultimately the project site selection of 1610 Main Street (privately-owned site) was made by the Select Board. As part of the continued project development a Special Town Meeting was scheduled for Saturday January 4, 2020 that included articles for the acquisition of 1610/0 Main Street parcels and Feasibility Study funding to develop a concept plan.

Following up on the approvals from the January 4, 2020 Special Town Meeting securing the 1610/0 Main Street parcels for consideration as a potential site for a new COA facility and subsequent funding (\$130,000) to conduct a Feasibility Study to answer “developability” questions raised during the Pre-Design Concept phase, planning work commenced immediately with the goal of bringing the details of a Schematic Design Concept to Annual Town Meeting in May 2020.

Shortly after the January 2020 Special Town Meeting the property owner offered the land at 1610 & 0 Main Street to the Town for siting a new COA facility. A Land Donation Agreement was executed on February 6, 2020.

To bring a broad range of public and professional perspectives into the planning process, the Town Manager established a second Working Group under the guidance of an Owner’s Project Manager (OPM) to advise the Town Manager on the scope/details of a project to put before the Select Board for their consideration in March 2020 to request placing a Design Development and

Construction Funding Article on the 2020 Annual Town Meeting warrant. The Working Group consisting of Select Board members Peter Cocolis and Cory Metters, Finance Committee Chair Stephen Daniel, COA Board of Directors Chair Barbara Segal, Citizens Herbie Bassett, Elaine Gibbs, Dick Hosmer, and David Whitcomb. The Working Group developed a two-story building concept in consideration of the results of field survey, civil engineering (grading/drainage), traffic study, geotechnical exploration, wetland resources identification/evaluation, and landscape architecture. The full findings of the 1610 Main Street Feasibility Study were presented to the Select Board in March of 2020, leading to their approval of the concept.

On an overlapping track as a result of a Citizen Petition, a Special Town Meeting was called on March 7, 2020, where Feasibility Study funding (\$75,000) was approved to review siting a new COA facility on a parcel of land off Stepping Stones Road within an area bounded by the Old Colony Rail Trail (OCRT) on land leased to the Monomoy Regional School District. The Town Manager further expanded the Working Group to include Fred Crimins and David Oppenheim as representatives of the Citizen Petition effort. For full comparability, the same site review methodology used to develop the 1610/0 Main Street parcels concept was applied to the Stepping Stones Road site and the findings of that effort were presented to the Select Board on May 4, 2020. At this meeting, the Select Board voted against the Stepping Stones site and for the 1610/0 Main Street concept to include in an article to bring to the 2020 Annual Town Meeting.

As a result of the COVID-19 pandemic in the lead up to the 2020 Annual Town Meeting, the Select Board announced its intention that no motion would be offered on the article for a new COA facility at 1610 Main Street as included in the warrant and to defer consideration of such until potentially a fall Special Town Meeting when more details of the fiscal impacts of the COVID-19 crisis came into focus. In March of 2021, with a revised cost estimate reflecting current projected economic conditions, the Select Board voted to place the 1610 Main Street site proposal with the revised cost on the warrant for the 2021 Annual Town Meeting.

The proposed building enhances the ability of the COA to meet the current service needs of the community with the selected building layout providing for future expansion within the proposed footprint if necessary. The proposed 10,965 sq. ft. purpose built building will also meet the space/storage needs of the COA by providing room for required apparatus, and meeting the requests of residents brought forth through the 2016 Community Needs Assessment, including: expanding transportation services for seniors; maintaining and potentially expanding outreach programs directed toward the “at risk” senior population (“at risk” includes isolated residents, low-income residents, and those with significant physical and mental health challenges); maintaining and expanding program and service functions, including caregiver support, programming for more active older adults focusing on fitness, adult learning, recreation and social opportunities. The building will include modern Heating Ventilation and Cooling (HVAC) components required for public assembly and an emergency generator. Additionally, the selected site provides adequate area to provide needed parking capacity with level, convenient handicap access for building visitors, is adjacent to publicly owned open space, and can be accessed by public transit. This article seeks \$8,395,555 for the design, construction, and equipping of a new Council on Aging (COA) at 1610/0 Main Street.

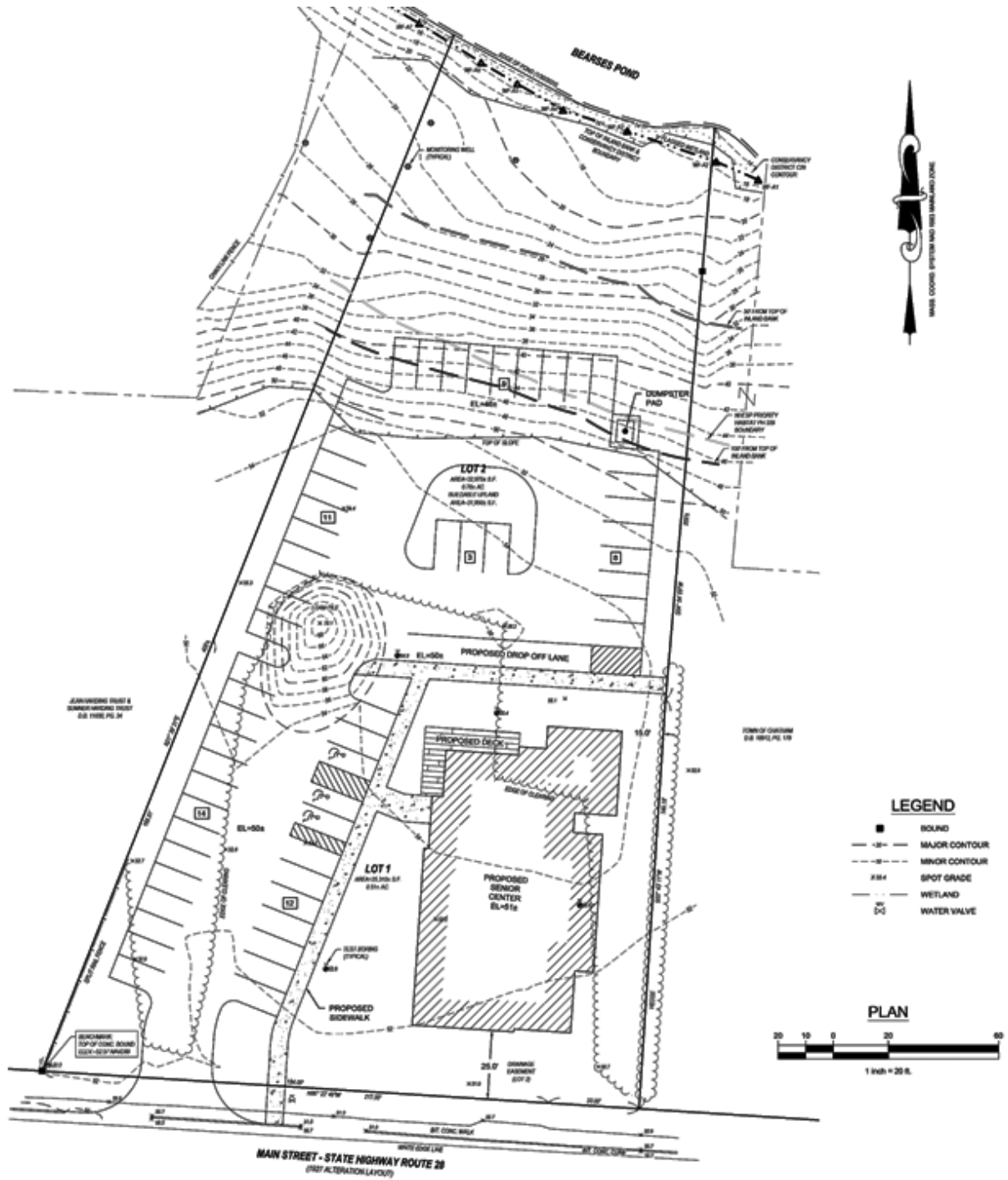
The funding mechanism for this Article is a Capital Debt Exclusion question. A ballot question is scheduled for the Annual Town Election on **Thursday, June 17, 2021**.

**Chatham Council on Aging - 1610 Main Street
Estimated Development Budget
March 11, 2021**

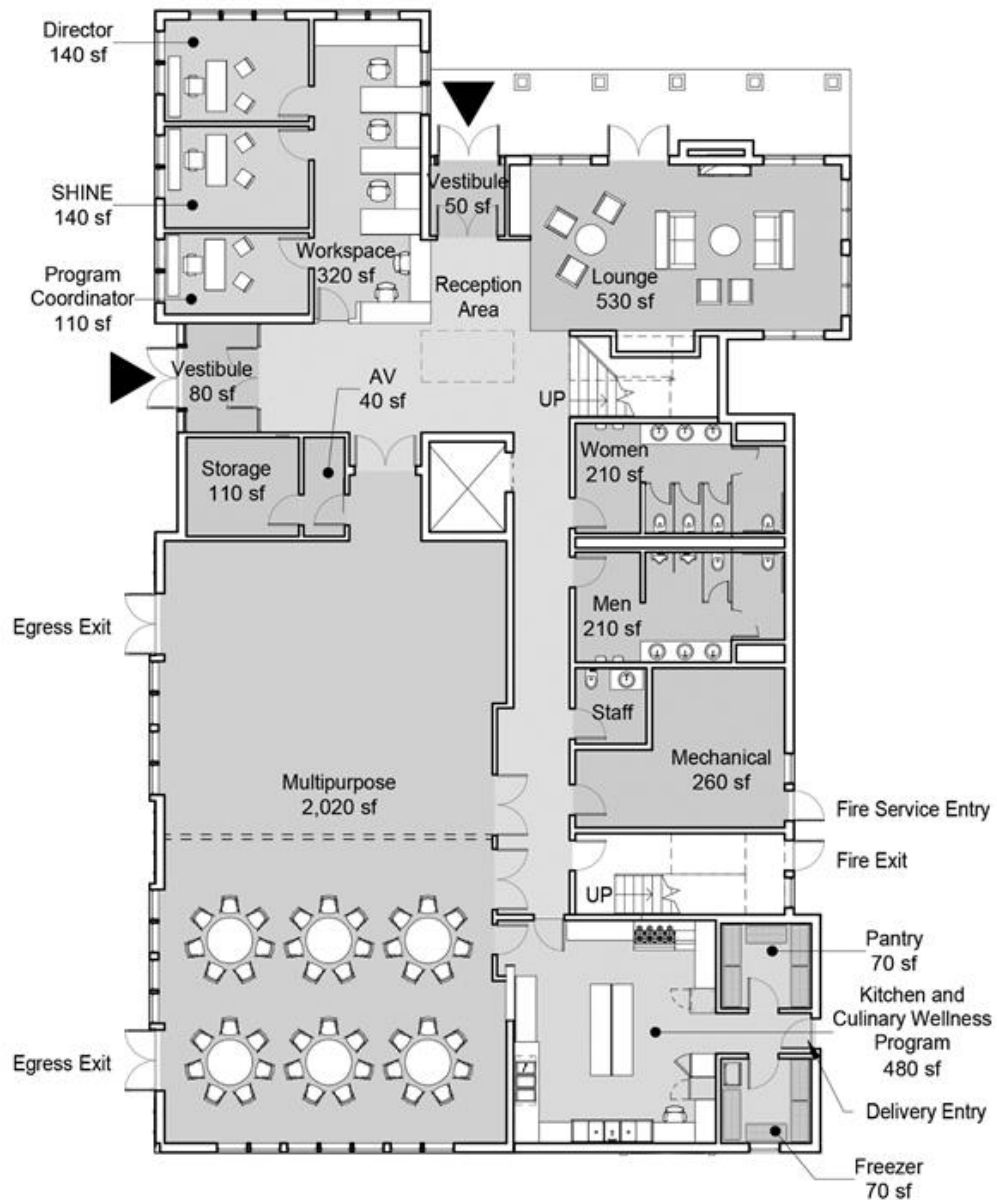
**1610 Main
March 11, 2021**

| | |
|--|---------------------------|
| <u>Construction Costs</u> | 10,965 |
| Building Construction | \$5,121,897 |
| Site | \$1,183,611 |
| Subtotal | <u>\$6,305,508</u> |
| Originally March 2020 Escalation Calculation - 4% Annually/5.2% to Mid Point of Construction. | \$327,886 |
| Total Construction Costs | \$6,633,394 |
| Construction Cost Per Square Foot | \$604.96 |
| <u>Owner's Development Costs</u> | |
| Architect & Engineering Fees (9%) | \$597,005 |
| OPM and Site Clerk Fees (4.25%) | \$281,919 |
| Furniture, Furnishings and Moving Costs | \$120,000 |
| AV, IT & WiFi | \$110,000 |
| Geotechnical Soils Investigations & Survey | \$17,500 |
| Utility Company Backcharges | \$20,000 |
| Printing Services | \$5,000 |
| Construction Material Testing | <u>\$25,000</u> |
| Total Owner's Development Cost | <u>\$1,176,425</u> |
| Total Construction and Owner's Development Costs | <u>\$7,809,819</u> |
| Plus Owner's Contingency (5%) | \$390,491 |
| Supplemental Owner's Contingency (2.5%) | \$195,245 |
| Total Estimated Project Costs | <u>\$8,395,555</u> |

O



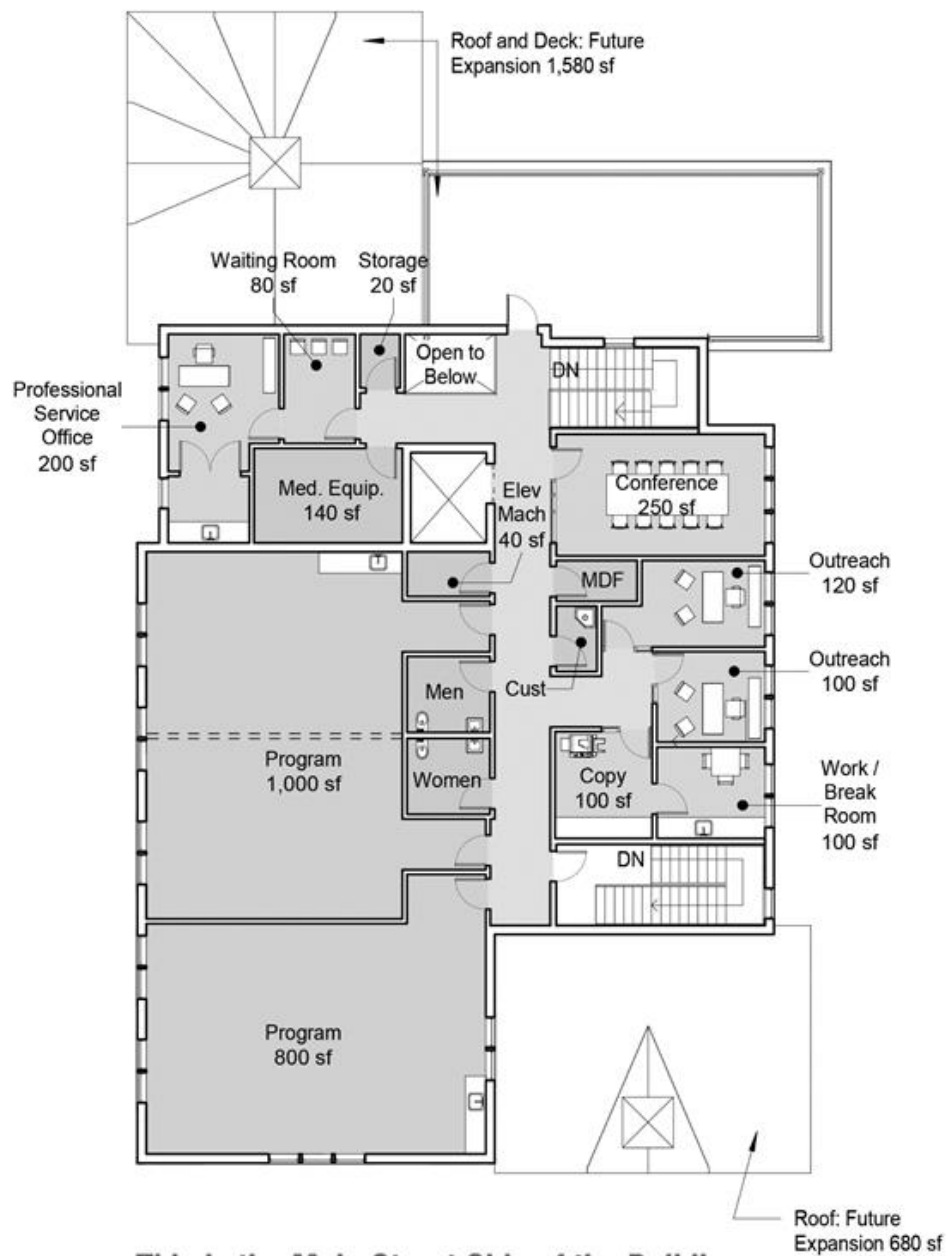
Site Plan for Council on Aging at 1610 Main Street



This is the Main Street Side of the Building

First Floor Plan

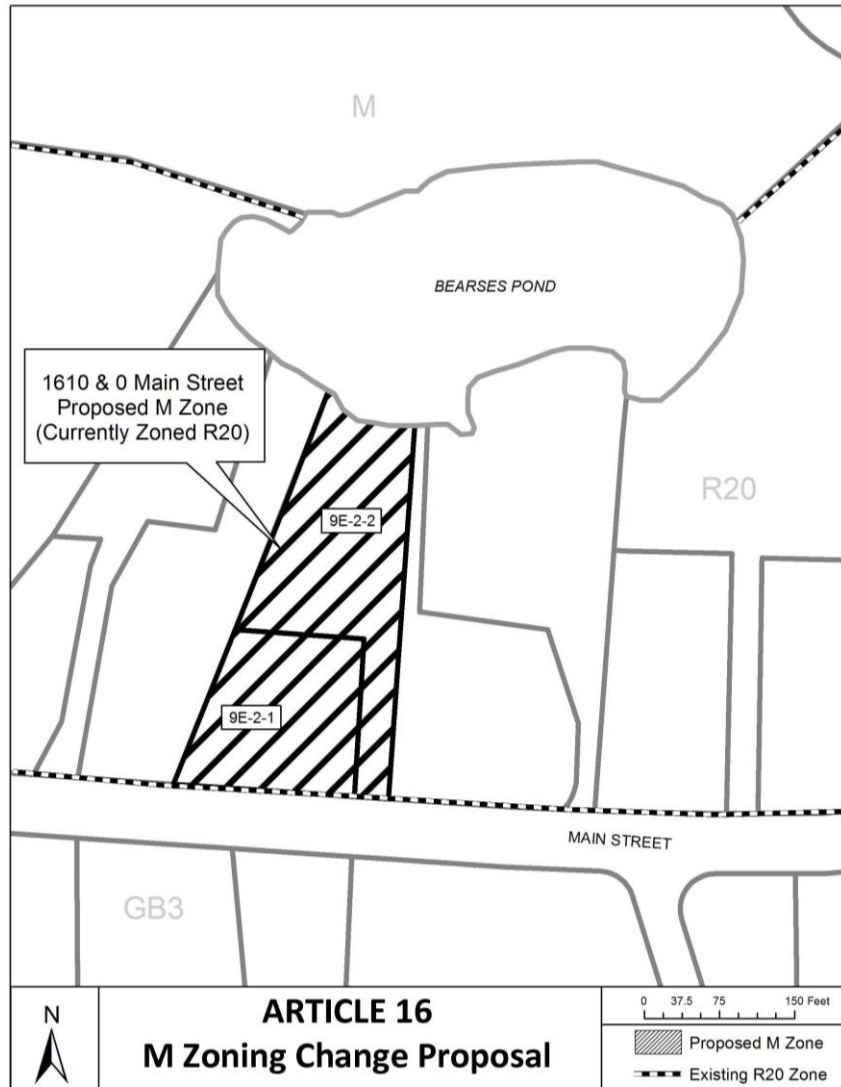
Note: Mechanical space depicted is to be moved to second floor to accommodate the professional service office indicated on the second floor for better service during health events (e.g., vaccinations) as part of Design Development process to advance construction documents.



This is the Main Street Side of the Building

Second Floor Plan

Note: Professional service office space depicted is to be moved to first floor to better serve health events (e.g., vaccinations) with the identified mechanical space being moved to the second floor as part of Design Development process to advance construction documents.



Select Board Recommendation: Approve 5-0-0
 Finance Committee Recommendation: Approve 3-2-3
 Vote Required: Two-Thirds Majority

VOTE: HAND COUNT:

YES: 358

NO: 326

“Article 15 does not prevail,” declared the Moderator.

Article 16 -
Zoning Bylaw Amendment/Map Change; 1610 and 0 Main Street Properties

To see if the Town will vote to amend its existing Protective (Zoning) Map by rezoning 25,310 square feet of land at 1610 Main Street, further identified on the Assessor's Map as 9E-2-1, and 33,080 square feet of land at 0 Main Street, further identified on the Assessor's Map as 9E-2-2, from the R-20 basic District to the Municipal basic District, as depicted on the attached map.

(Select Board)

Explanation: *Town Meeting action on this article is contingent upon the passage of Article 15. The purpose of this Article is to amend the basic zoning district designation of the subject parcels from R20 to Municipal as the intended use of the subject property is a municipal use which should be designed in accordance with the Protective (Zoning) Bylaw's requirements for the Municipal District. Approving the subject zoning district changes provides greater design flexibility to accommodate site needs.*

Select Board Recommendation: Approve 5-0-0

Planning Board Report/Recommendation: Recommendation from Town Meeting floor.

Finance Committee Recommendation: Approve 5-2-1

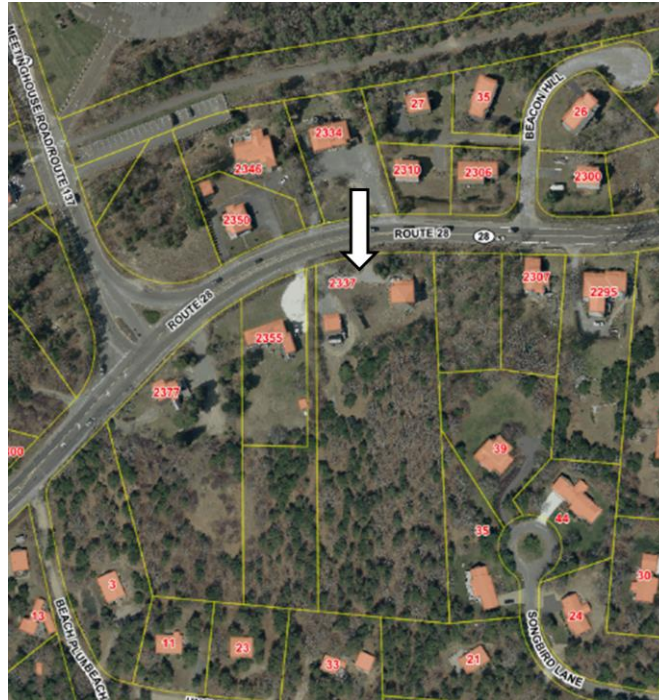
Vote Required: Two-Thirds Majority

NO MOTION

**Article 17 - Acquire and Dispose of Property at 2337 Main Street/0 Jordan's Trail
for Affordable and Attainable Housing**

To see if the Town will vote to authorize the Select Board to acquire for Affordable and Attainable Housing purposes, including prospective conveyance for said purposes, four parcels of land located at 2337 Main Street/0 Jordan's Trail, Chatham respectively identified as Assessors' Map 4E Block 4 Parcel 1, 2A, 3, and 4, encompassing the entire parcel presently owned by Dennis J. Jordan as more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 11562, Page 127; to appropriate and transfer from Free Cash \$487,050 to be utilized in conjunction with available funds from the Chatham Affordable Housing Trust Fund to fund said property acquisition, including transactional costs associated therewith; to authorize the Select Board and Town Manager to negotiate, upon such terms and conditions as they shall deem to be in the public interest, and execute any and all documents necessary to effectuate the purchase and/or acquisition of title to said parcel; and, further, to authorize the Select Board to convey, or to lease for up to 99 years, all or portions of said parcel for Affordable and Attainable Housing purposes on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board shall deem appropriate.

(Select Board)



Explanation: The Select Board has identified a community goal to address the lack of Affordable and Attainable housing in Chatham which significantly effects the health, economy and retention of generational and young families in town. For FY2020 the 100% Area Median Income in Barnstable County for a family of four is \$96,600 and the 200% Area Median Income for a family of four is \$193,200. The average sale price of a single-family home in Chatham in February 2021 was \$1,764,124.

The identification and development of private parcels that are suitable for housing development is a key strategy in the 2018 Chatham Housing Production Plan. The Town solicited acquisition proposals from private property owners to fulfill this need. This parcel totals approximately 2.44 acres and is Zoned R-20. Town sewer is not currently available however, could possibly be extended to the property.

The total purchase price of \$974,100 is funded 50% from Free Cash and 50% from the Affordable Housing Trust Fund. A feasibility study will be completed on this parcel to determine the best type of housing. Public input will be sought and encouraged through a series of community input meetings before the Town prepares and issues a Request for Proposals for a developer to create Affordable and Attainable housing on this parcel. To purchase this property for Affordable and Attainable Housing, a mix of funds from the Affordable Housing Trust Fund and Free Cash are needed as the Affordable Housing Trust Fund can fund projects for Affordable Housing purposes only. Following this appropriation, the balance in Free Cash is \$1,232,199 and the Affordable Housing Trust Fund is \$1,221,225.

Select Board Recommendation:

Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0
Vote Required: Two-Thirds Majority

NO MOTION

Article 18 - Acquire and Dispose of Property at 0 Main Street/1533 Main Street for Affordable and Attainable Housing (PLACEHOLDER)

To see if the Town will vote to authorize the Select Board to acquire for Affordable and/or Attainable Housing purposes, including prospective conveyance for said purposes, all or a portion of two parcels of land located at 0 Main Street/1533 Main Street, Chatham respectively identified as Assessors' Map 9D Block 3 Parcel 18A and Assessors' Map 9D Block 4 Parcel 18, encompassing the two parcels now or formerly owned by Joseph P. Buckley Jr. as more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 9694, Page 51; to appropriate and transfer from Free Cash a sum of money to be utilized in conjunction with available funds from the Chatham Affordable Housing Trust Fund to fund said property acquisition, including transactional costs associated therewith; to authorize the Select Board and Town Manager to negotiate, upon such terms and conditions as they shall deem to be in the public interest, and execute any and all documents necessary to effectuate the purchase and/or acquisition of title to said parcel; and, further, to authorize the Select Board to convey, or to lease for up to 99 years, all or portions of said parcel for Affordable and/or Attainable Housing purposes on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board shall deem appropriate; or take any other action relative thereto.

(Select Board)

Motion: Cory Metters, Clerk, Select Board, moved that the Town vote to authorize the Select Board to acquire for Affordable and/or Attainable Housing purposes and for the purpose of prospective conveyance for said purposes, two parcels of land located at 0 Main Street/1533 Main Street, Chatham and to appropriate and transfer from Free Cash the sum of \$ 687,500.00 to be utilized in conjunction with available funds from the Chatham Affordable Housing Trust Fund to fund said property acquisition in the total amount of \$1,375,000.00 including transactional costs associated therewith; to authorize the Select Board and Town Manager to negotiate, upon such terms and conditions as they shall deem to be in the public interest, and execute any and all documents necessary to effectuate the purchase and/or acquisition of title to said parcel; and, further, to authorize the Select Board to convey, or to lease for up to 99 years, all or portions of said parcels for Affordable and/or Attainable Housing purposes on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board shall deem appropriate.

Explanation: *This is a placeholder article as negotiations are still ongoing at the time of the drafting of this warrant. As previously noted, the Select Board has identified a community goal to address the lack of Affordable and Attainable housing in Chatham which significantly effects the health, economy and retention of generational and young families in town. The*

identification and development of private parcels that are suitable for housing development is a key strategy in the 2018 Chatham Housing Production Plan. The Town solicited acquisition proposals from private property owners to fulfill this need. This parcel totals approximately 2.53 acres as shown on the map below. To purchase this property for Affordable and/or Attainable Housing, a mix of funds from the Affordable Housing Trust Fund and Free Cash are needed as the Affordable Housing Trust Fund can fund projects for Affordable Housing purposes only. For FY2020 the 100% Area Median Income in Barnstable County for a family of four is \$96,600 and the 200% Area Median Income for a family of four is \$193,200.

The total purchase price of \$1,375,000 is funded 50% from Free Cash and 50% from the Affordable Housing Trust Fund. The Town had an appraisal conducted on the property in December 2020. A feasibility study will be completed on this parcel to determine the best type of housing. The property is Zoned R20 and has Town sewer available. Public input will be sought and encouraged before the Town prepares and issues a Request for Proposals for a developer to create Affordable and Attainable housing on this parcel.

Select Board Recommendation: *Approve 5-0-0*
Finance Committee Recommendation: Recommendation from Town Meeting floor.
Vote Required: Two-Thirds Majority

VOTE: Voice. “So Voted by More than the Requisite 2/3rds Majority”, declared the Moderator.

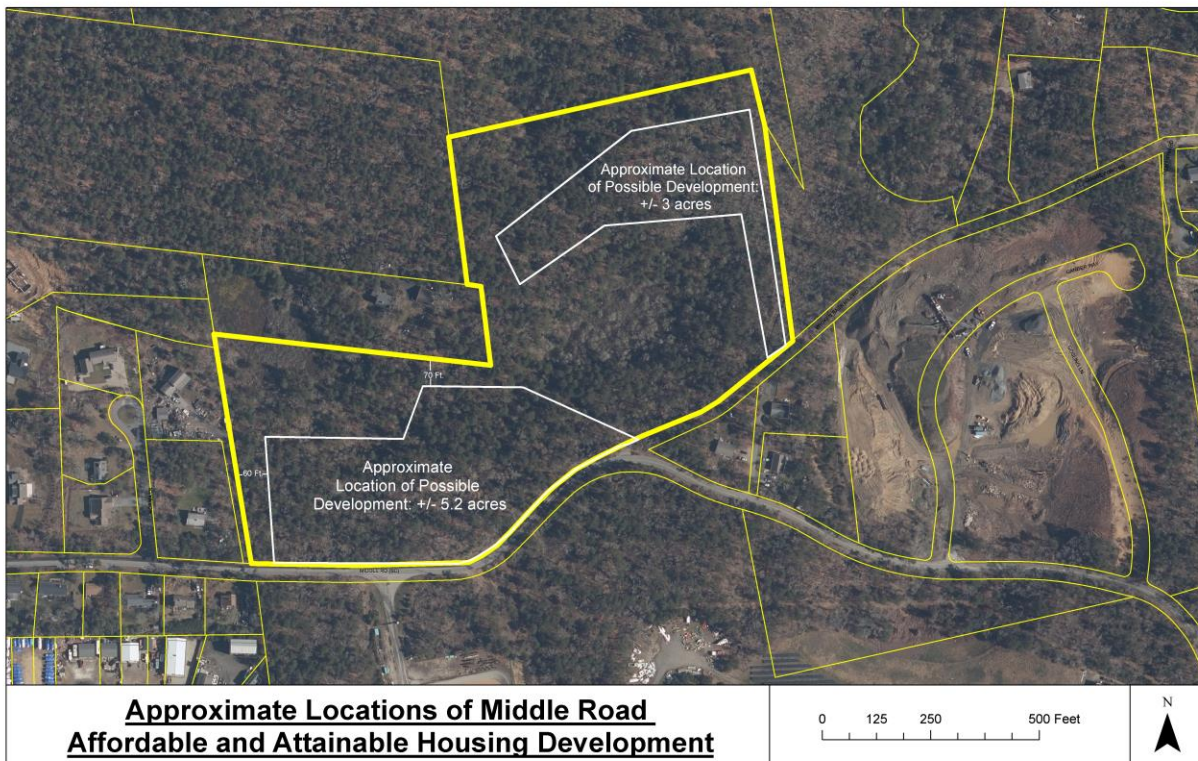
**Article 19 - Declare as Surplus, Designate and Dispose of the Town-Owned Middle Road
Property for Affordable and Attainable Housing**

To see if the Town will vote to transfer to the Select Board for Affordable and Attainable Housing purposes, including prospective conveyance for said purposes, care, custody, and control of a surplus portion of the Town-owned parcel of land located at 97 Sam Ryder Road, identified on Assessors’ Map 5F Block 0 as Parcel T3, encompassing a 19 acre +/- portion of the total parcel, located to the north of Middle Road, as more particularly described in the Order of Taking and corresponding Plan Book recorded with the Barnstable County Registry of Deeds in Book 1278 and Page 384 and Plan Book 188, Page 111, and, further, to authorize the Select Board to convey, or to lease for up to 99 years, all or portions of said parcel for Affordable and Attainable Housing purposes on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board shall deem appropriate; or take any other action relative thereto.

(Select Board)

Motion: Peter Cocolis, Select Board, moved that the Town vote to transfer to the Select Board for Affordable and Attainable Housing purposes, including prospective conveyance for said purposes, care, custody, and control of a surplus portion of the Town owned parcel of land located at 97 Sam Ryder Road, identified on Assessors’ Map 5F Block 0 as Parcel T3, encompassing a 19 acre +/- portion of the total parcel, located to the north of Middle Road

and to authorize the Select Board to convey, or to lease for up to 99 years, all or portions of said parcel for Affordable and Attainable Housing purposes on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board shall deem appropriate.



Explanation: There is a lack of Affordable and Attainable housing in Chatham which significantly affects the health, economy, and retention of generational, young, and working families in town. For FY2020 the 100% Area Median Income in Barnstable County for a family of four is \$96,600 and the 200% Area Median Income for a family of four is \$193,200.

The identification and development of municipal parcels that are suitable for housing development is a key strategy in the 2018 Chatham Housing Production Plan to increase housing resources. The Housing Production Plan also highlights this town-owned property to the North of Middle Road as a parcel that would be suitable for housing development. The property is Zoned Municipal (M) and Town sewer is not currently available however, could possibly be extended to the property. In addition, this location has been discussed as a potential area to locate housing since 2007. A feasibility study will be completed on this parcel to determine the best type of housing. Community input will be sought and encouraged through a series of community input meetings before the Town prepares and issues a Request for Proposals to create Affordable and Attainable housing on this parcel.

Select Board Recommendation:

Approve 5-0-0

Finance Committee Recommendation: Approve 9-0-0
Vote Required: Two-Thirds Majority

VOTE: Voice. “In my opinion, there is not a 2/3rds vote”, declared the Moderator.

After a Request for a Show of Cards, the Moderator still did not feel that it was a 2/3rds vote.
After a request for a hand count:

HAND COUNT:

YES: 259

NO: 225

“It does not achieve 2/3rds, Article 19 does not pass,” declared the Moderator.

Article 20 - Home Rule Petition to Establish a New Housing Trust

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to create one Housing Trust for both Affordable (up to 100% Average Median Income) and Attainable Housing (up to 200% Average Median Income) in substantially the following form:

**AN ACT ESTABLISHING A HOUSING TRUST FUND IN
THE TOWN OF CHATHAM.**

*Be it enacted by the Senate and House of Representatives in General Court assembled,
and by the authority of the same as follows:*

SECTION 1. There shall be a municipal trust to be known as the Chatham Housing Trust. The purpose of the trust is to provide for the creation and preservation of both affordable and attainable housing in Chatham for the benefit of year-round residents of the town. For purposes of this act, “affordable housing” is defined as housing developments that meet the needs of households with incomes up to 100 per cent area median household income as most recently determined by the United States Department of Housing and Urban Development, adjusted for household size and “attainable housing” is defined as housing developments that meet the needs of households with incomes up to 200 per cent of the area median household income as most recently determined by the United State Department of Housing and Urban Development, adjusted for household size.

SECTION 2. (a) The trust shall be managed by a 7-member board of trustees appointed by the select board which board of trustees, upon appointment, shall take the place of, and assume the statutory powers and duties of, the Chatham Affordable Housing Trust board of trustees created and appointed pursuant to the provisions of Section 55C of Chapter 44 of the General Laws. In selecting members of the board of trustees, the select board shall:

(i) designate 2 of its members to serve on the board of trustees;
(ii) appoint 1 member of the Chatham Community Housing Partnership to serve on the board of trustees; and

(iii) appoint the remaining 4 members to the board of trustees from the community at large, considering a broad range of expertise, including education and experience in real estate development and financing.

(b) Members of the board of trustees shall be sworn to the faithful performance of their official duties. A majority of the 7 members shall constitute a quorum for the transaction of any business. The board of trustees shall elect from among its members a chairman, vice-chairman, clerk, and such other officers as it shall deem necessary, and shall determine their respective duties.

(c) The original members of the board of trustees shall be appointed within 60 days following the effective date of this act. The term of each appointment shall be established by the select board or pursuant to a bylaw adopted hereunder. In the event of a vacancy on the board of trustees, a successor member shall be appointed to complete the unexpired term.

(d) Any member of the board of trustees may be removed by the select board for cause after reasonable notice and a public hearing by the select board unless such notice and hearing are expressly waived in writing by the member subject to removal.

(e) The members of the board of trustees shall not receive compensation for the performance of their duties, but each member shall be reimbursed by the trust for expenses incurred in the performance of the member's duties.

SECTION 3. (a) There shall be established a trust fund to be known as the Housing Trust Fund. The fund shall be separate and apart from the General Fund and the Affordable Housing Trust Fund of the town of Chatham.

(b) The town treasurer shall be the custodian of the trust fund.

(c) The trust fund shall receive and hold all gifts and grants made to the trust fund as well as money appropriated by the town to the trust. The trust fund shall also receive all revenues from the sale or lease of trust property and any rental income generated from properties in the custody of the trust.

(d) Money in the trust fund shall be available for expenditure by the trust for the attainable housing purposes set forth in this act without the need for further appropriation by town meeting.

(e) By a 2/3 vote, the town may borrow money in aid of the trust, in accordance with chapter 44, to be used by the trust for any capital related purpose consistent with this act and for which the town is authorized to borrow.

(f) Funds appropriated or dedicated by the town to the Affordable Housing Trust Fund for the creation of affordable housing prior to the effective date of this act shall remain in the Affordable Housing Trust Fund, which shall be maintained by the Town as a separate account and expended for affordable housing purposes authorized by section 55C of chapter 44 of the General Laws.

SECTION 4. (a) The trust, by and through its board of trustees, may:

(i) accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing, as defined in said chapter 44B or any special law relating thereto, and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;

(ii) purchase and retain real or personal property, including, but not limited to, investments that yield a high rate of income or no income;

(iii) sell, lease, exchange, transfer or convey personal, mixed or real property at public auction or by private contract for such consideration and on such terms, and to make such contracts and enter into such undertakings relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(iv) execute, acknowledge, and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to a transaction in which the board engages for the accomplishment of the purposes of the trust;

(v) employ advisors and agents, such as accountants, appraisers, design and housing development professionals, and lawyers, as the board deems necessary;

(vi) pay reasonable compensation and expenses to all such advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(vii) apportion receipts and charges between income and principal as the board deems advisable, amortize premiums and establish sinking funds for such purpose and create reserves for depreciation depletion or otherwise;

(viii) participate in reorganization, recapitalization, merger or similar transactions, give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest and consent to a contract, lease, mortgage, purchase or sale of property, by or between a corporation and another corporation or person;

(ix) deposit any security with a protective reorganization committee and delegate to that committee such powers and authority with relation thereto as the board may deem proper and pay, out of trust property, the portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(x) carry property for accounting purposes other than acquisition date values;

(xi) borrow money on such terms and conditions and from such sources as the board deems advisable, and mortgage and pledge trust assets as collateral;

(xii) make distributions or divisions of principal in kind;

(xiii) comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, accept any property, either in

total or partial satisfaction of any indebtedness or other obligation and, subject to this act, continue to hold the same for such period of time as the board may deem appropriate;

(xiv) manage or improve real property and abandon any property which the board determines is not worth retaining;

(xv) hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(xvi) extend the time for payment of any obligation to the trust.

(b) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and may be expended without further appropriation. All money remaining in the trust at the end of a fiscal year, whether or not expended by the board within 1 year of the date the money was appropriated into the trust, shall remain trust property.

(c) The trust is a public employer, and the members of the board are municipal employees for the purposes of chapter 258 of the General Laws.

(d) The trust shall be deemed a municipal agency and the trustees special municipal employees, for the purposes of chapter 268A of the General Laws.

(e) The trust is exempt from chapters 59 and 62 of the General Laws, and from any other General Law concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or a political subdivision of the Commonwealth.

(f) The books and records of the trust shall be audited annually by an independent auditor in accordance with generally accepted accounting practices.

(g) The trust is a public body for the purposes of sections 18 to 25, inclusive, of chapter 30A of the General Laws.

(h) The trust is a board of the town for the purposes of chapters 30B and section 15A of chapter 40 of the General Laws; provided, however, that agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments, and public instrumentalities of the town shall be exempt from said chapter 30B.

(i) The trust may procure insurance against loss in connection with its properties and other assets and operations in such amount and from such insurers as it deems desirable.

(j) The trust may act and do things necessary or convenient to carry out the powers expressly granted in this act or in any by-law consistent with this act enacted by the town.

(k) The board of trustees shall be considered a town board subject to the charter and by-laws of the town except as may be otherwise expressly provided in this act.

(l) The board of trustees may, further, exercise all of the powers and duties vested in municipal affordable housing trust boards of trustees by section 55C of chapter 44 of the General Laws, as amended from time to time.

SECTION 5. The financial records of the trust shall be subject to control and oversight by the town's finance department and subject to yearly audits by the accounting firm employed by the town for the purposes of the regular town audit.

SECTION 6. Attainable housing units created by the trust or financed in whole, or in part, with trust funds shall, to the maximum extent allowed by law, be offered to:

- (i) current year-round residents of the Town of Chatham;
- (ii) municipal employees;
- (iii) employees of local businesses; and

(iv) households with children attending schools in the town of Chatham who comply with the attainable housing income eligibility limit of 200 per cent of the area median household income as most recently determined by the United State Department of Housing and Urban Development, adjusted for household size. The trust may enact regulations establishing additional preference criteria based on income eligibility and/or alternative or additional definitions for "attainable housing".

SECTION 6A. Affordable housing units created by the trust or financed in whole, or in part, with Affordable Housing Trust funds shall, to the maximum extent allowed by law, be offered to:

- (i) current year-round residents of the Town of Chatham;
- (ii) municipal employees;
- (iii) employees of local businesses; and

(iv) households with children attending schools in the town of Chatham who comply with the affordable housing income eligibility limit of 100 per cent of the area median household income as most recently determined by the United State Department of Housing and Urban Development, adjusted for household size. The trust may enact regulations establishing additional preference criteria based on income eligibility and/or alternative or additional definitions for "affordable housing."

SECTION 7. This act, being necessary for the welfare of the Commonwealth and the Town of Chatham and its inhabitants, shall be liberally construed to effect its purpose.

SECTION 8. This act shall take effect upon its passage.

Or take any other action in relation thereto.

(Select Board)

Motion: Jeffrey Dykens, Select Board, moved that the Town vote to authorize the Select Board to petition the General Court for special legislation seeking the creation of the Chatham Housing Trust for both Affordable (up to 100% Average Median Income) and Attainable Housing (up to 200% Average Median Income) as described in Article 20.

Explanation: The current Affordable Housing Trust can only fund projects up to 100% of the Area Median Income (AMI). Whereas the Town of Chatham is in need of both Affordable (up to 100% AMI) and Attainable (up to 200% AMI) Housing to help keep our generational, young, and working families in Chatham. For FY2020 the 100% Area Median Income in Barnstable County for a family of four is \$96,600 and the 200% Area Median Income for a family of four is \$193,200. The creation of one Trust with two funding sources will be able to better serve the

needs of the Community by building upon our current Affordable Housing Trust (established by Town Meeting 2006) to include Attainable Housing options. Special legislation is needed for the Town to effectuate this change.

Select Board Recommendation: **Approve 5-0-0**

Finance Committee Recommendation: **Approve 9-0-0**

VOTE: Voice. “So Voted by a Substantial Majority”, declared the Moderator.

**Article 21 - Home Rule Petition to Establish a Real Property Transfer Fee
to Fund Affordable/Attainable Housing**

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation in substantially the following form to authorize imposition of a fee upon the transfer of real property situated in the Town to provide a supplemental source of funding for special purpose funds established to create and preserve affordable and attainable housing in the Town. Said fee shall be equal to one half per cent (1/2%) of the purchase price paid upon the transfer of any real property interest for consideration of two million dollars (\$2,000,000) or more, and the fee shall be paid by, and be the liability of, the purchaser of such real property interest notwithstanding any agreement between the purchaser and seller relative to allocation of responsibility for said fee:

AN ACT ESTABLISHING A REAL PROPERTY TRANSFER FEE IN THE TOWN OF
CHATHAM.

*Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same as follows:*

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

“Affordable housing” is defined for purposes of this Act as housing developments that meet the needs of households with incomes up to 100 per cent area median household income as most recently determined by the United States Department of Housing and Urban Development, adjusted for household size.

“Attainable housing” is defined for purposes of this Act as housing developments that meet the needs of households with incomes up to 200 per cent of the area median household income as most recently determined by the United State Department of Housing and Urban Development, adjusted for household size.

“Housing Fund” shall refer to any special purpose fund or funds authorized and established pursuant to the provisions of Chapter forty-four of the General Laws or any other general or special law for the purpose of creating and preserving affordable housing and/or attainable housing in the Town.

"Purchaser, shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

"Town" shall refer to the Town of Chatham acting by and through its Select Board.

SECTION 2. There is hereby imposed a fee equal to one half per cent (1/2%) of the purchase price paid upon the transfer of any real property interest in any real property situated in the Town of Chatham for consideration of two million dollars (\$2,000,000) or more. Said fee shall be the liability of the purchaser of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. The fee shall be paid to the Town of Chatham, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the

basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Barnstable County, and the assistant recorder for the registry district of Barnstable County, shall neither record nor register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer, upon consultation with and direction from the Town board or officer authorized to expend and make distributions from a Housing Fund, shall deposit such fees in the Housing Fund for the purpose of creating and preserving affordable and/or attainable housing in the Town. The fee imposed hereunder shall be due simultaneously with the time of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personal property related thereto at or about the same time, the allocations of payments between real estate and personal property agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

SECTION 3. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section two, the purchaser or his legal representative may return said certificate to the Town or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the purchaser or his legal representative.

SECTION 4. The following transfers of real property interests shall be exempt from the fee established by section two. Except as otherwise provided, the purchaser shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by Section 6(b).

(a) Transfers to the government of the United States, the commonwealth, and any of their instrumentalities, agencies, or subdivisions, including but not limited to transfers to the Town of Chatham.

(b) Transfers which, without additional consideration, confirm, correct, modify, or supplement a transfer previously made.

(c) Transfers made as gifts without consideration. In any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interest transferred was made as a gift without consideration to the extent of the difference between the fair market value of the real property interest transferred and the amount of consideration claimed by the seller to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be

presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

(d) Transfer to the trustees of a trust in exchange for a beneficial interest received by the purchaser in such trust; distributions by the trustees of a trust to the beneficiaries of such trust.

(e) Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest.

(f) Transfers made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.

(g) Transfers to any charitable organization as defined in clause Third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interest so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.

(h) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

(i) Transfers made to a corporation or partnership or limited liability company at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one or seven hundred and twenty-one of the Internal Revenue Code of 1986, as amended; provided, however, that such transfer shall be exempt only in the event that (1) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the transferor held prior to the transfer, or (2) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(j) Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

(k) Transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law.

(l) Transfers of property consisting in part of real property interests situated in Chatham and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Chatham; provided that the purchaser shall furnish the Town with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

(m) Transfers of minority interests in corporations, trusts, partnerships, or limited liability companies which are publicly traded, which transfers are not part of a series of transfers which together constitute a transfer of control of a corporation, trust, partnership, or limited liability company.

(n) Intra-family transfers of property between parties of the following relationships: (1) between current spouses; (2) between parents and their children or stepchildren; (3) between full siblings; and (4) where the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is a parent, full sibling, child, or stepchild of the grantor.

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Housing Fund. Said account(s) shall be subject to examination by the director of accounts or his/her agent pursuant to section forty-four of chapter thirty-five of the General Laws.

(b) Schedules of beneficiaries of trusts, list of stockholders of corporations and lists of partnerships filed with the Town for the purpose of determining or fixing the amount of the fee imposed under section two or for the purpose of determining the existence of any exemption under section four shall not be public records for the purposes of section ten of chapter sixty-six of the General Laws.

SECTION 6. A purchaser who fails to pay all or any portion of the fee established by section two on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

(a) Interest: The purchaser shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to fourteen per cent per annum.

(b) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this chapter, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Town for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty five per cent of the unpaid fee due at the time of transfer. Whenever the Town determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the full amount of said fee as determined by the Town shall be paid by the seller in addition to said fee.

SECTION 7. (a) The Town Clerk shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing before the Select Board on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town Clerk within thirty days after the mailing of said notice. The Select Board shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty, or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Select Board concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior

court within three months after the mailing of notification of the determination of the Select Board. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment, or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in real property, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Barnstable County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Barnstable County.

(b) All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the purchaser and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Town; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

(c) If any purchaser liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the Town upon all property and rights to property, whether real or personal, belonging to such purchaser. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice thereof has been filed by the Town (i) with respect to real property or fixtures, in the registry of deeds for Barnstable County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty two C of the General Laws.

(d) Purchasers or sellers applying for an exemption under subsections (a) through (n) of section four shall be required at the time of application for exemption to execute an agreement legally binding on the applicant: (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Barnstable County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer. Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser, or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may file a civil action in a district or superior court of Barnstable County to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

The Town may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

SECTION 8. The fee described by Section two shall be of ten-year duration from the date this legislation takes effect. This fee may continue for additional five-year periods upon a majority vote at Town Meeting reauthorizing the fee. The fee described by Section two 1) may be decreased or increased, 2) the threshold transfer consideration amount may be revised, or 3) the fee may be eliminated by a two-thirds vote of Town Meeting. In the event that Town Meeting does not renew the fee at the ten-year anniversary, or any subsequent five year anniversary, or Town Meeting votes to eliminate the fee, the balance of any fees previously collected shall be used to satisfy any outstanding liabilities or obligations incurred by the Town of Chatham or the Housing Fund as a result of imposition of the fee, and the remainder may be expended without further appropriation at the direction of the Select Board for affordable or attainable housing purposes. In the event that the liabilities and obligations of the Town of Chatham or the Housing Fund exceed the amounts transferred to the Town, the fee shall remain in full force and effect until such liabilities and obligations have been satisfied.

SECTION 9. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 10. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in Section six (b), then the purchaser shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in Section two and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the purchaser shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to Section two to be thereby avoided.

SECTION 11. This act shall take effect ninety (90) days following the date of passage.

Or take any other action in relation thereto.

(Select Board)

Motion: Jeffrey Dykens, Select Board, moved that the Town vote to authorize the Select Board to petition the General Court for special legislation to impose a fee equal to one half per cent (1/2%) of the purchase price paid upon the transfer of any interest in real property

situated in the Town of Chatham for consideration of two million dollars (\$2,000,000) or more, as specified in Article 21.

Explanation: *This Real Property Transfer Fee would provide an additional revenue source for the creation of Affordable and Attainable Housing in the Town. Though we have a dedicated source for the creation of Affordable Housing, the Town does not currently have a dedicated source of funding for much needed Attainable Housing, this fee would provide that funding. Affordable Housing Trust Funds appropriated from Community Preservation Act Funds can only be used for Affordable Housing Projects up to 100% Area Median Income (AMI). The additional funds to be generated by the proposed transfer fee would allow the Affordable Housing Trust and/or the proposed Chatham Housing Trust to fund Attainable Housing Projects up to 200% AMI. For FY2020 the 100% Area Median Income in Barnstable County for a family of four is \$96,600 and the 200% Area Median Income for a family of four is \$193,200. As noted in the proposed special legislation, the Real Property Transfer fee is equal to one-half percent (1/2%) of the purchase price paid upon the transfer of any real property interest for consideration of two million dollars (\$2,000,000) or more, and the fee shall be paid by, and be the liability of the purchaser. Certain transfers would be exempt from this requirement including intra-family transfers. This fee shall be a ten-year duration from the date this legislation takes effect and may continue for additional five-year periods upon a majority vote at Town Meeting (re-authorization of the fee). The fee may be decreased or increased, the qualifying threshold transfer amount may be revised, or the fee may be eliminated by a two-thirds (2/3rds) vote of Town Meeting. Special legislation is needed for the Town to effectuate this new fee.*

Select Board Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 6-2-0

VOTE: Voice. "In my opinion, the Ayes have it by a Substantial Majority", declared the Moderator.

At 5:30 p.m., the Moderator entertained a motion to recess and resume this meeting on Sunday, June 13th at 1:00 p.m.

VOTE TO RECESS: Show of Cards. "The Majority is in Favor", declared the Moderator.

**ANNUAL TOWN MEETING – 2ND DAY
SUNDAY, JUNE 13, 2021
1:00 P.M.**

Moderator William G. Litchfield opened this Annual Town Meeting at 1:00 p.m. There were 210 voters present, far exceeding the quorum of 100 voters.

Members of the CERT Team (Community Emergency Response Team) Victoria Chane, Warren Chane, Joanna Danias, Michael Kondraki, David Miller, Patricia O'Reilly, Timothy Scherzo, and Jane Sullivan were on hand to assist with COVID-19 safety protocols.

Also present to check in our voters were the following Election Officials: Diane Rowlings, Jennifer Smith, Melanie Taylor, and Assistant Town Clerk Paula Tobin. Louise Redfield served as the Head Teller.

Moderator administered the Oath of Office to the Volunteer Tellers for this afternoon: Kristin Andres, Bruce Beane, Peter Connick, Louise Redfield, and Deborah Walther.

Article 22 - Home Rule Petition for the Use of Community Preservation Act (CPA) Funds for Affordable and Attainable Housing up to 200% Area Median Income (AMI)

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation authorizing the use of Community Preservation Funds for BOTH Affordable and Attainable Housing for persons and families whose annual income is less than 200% Area Median Income (AMI), in substantially the following form:

AN ACT FACILITATING THE APPROPRIATION AND EXPENDITURE OF COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING PURPOSES IN THE TOWN OF CHATHAM

Section 1: Notwithstanding the definition of "Moderate income housing" set forth in the fifteenth paragraph of Section 2 of Chapter 44B of the Massachusetts General Laws, the Town of Chatham, upon recommendation of its Community Preservation Committee, may appropriate and expend Community Preservation funds for purposes of community housing for those persons and families whose annual income is less than 200 per cent of the areawide median income.

Section 2: This Act shall take effect upon passage.

Or take any other action in relation thereto.

(Select Board)

Motion: Dean Nicastro, Select Board, moved that the Town vote to authorize the Select Board to petition the General Court for special legislation authorizing the use of Community Preservation Funds for BOTH Affordable and Attainable Housing for persons and families whose annual income is less than 200% Area Median Income (AMI).

Explanation: The Town of Chatham is in need of both Affordable (up to 100% AMI) and Attainable (up to 200% AMI) Housing. For FY2020 the 100% Area Median Income in Barnstable County for a family of four is \$96,600 and the 200% Area Median Income for a family of four is \$193,200. The current CPA Statute only allows CPA funds to be used to fund projects for

persons and families whose annual income is less than 100% AMI. An authorization of CPA Funds used for efforts to create housing for persons and families within the 200% AMI income limit would help the Town of Chatham create both types of housing opportunities to help keep our generational, young and working families in Chatham. Special legislation is needed for the Town to effectuate this change.

Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted.

At this point, the Moderator entertained a motion to take Article 64 out of order.

VOTE TO TAKE ARTICLE 64 OUT OF ORDER:

Voice. So voted.

Article 64 – Petitioned Article – Declare 127 Old Harbor Road Surplus, Contribute to Affordable/Attainable Housing Inventory and Appropriate Funds to Make Habitable

To see if the Town will vote to declare the property at 127 Old Harbor Road as surplus to its needs, and direct the Select Board to contribute 127 Old Harbor Road to the Town's attainable of Affordable housing inventory; and further, vote to raise and appropriate and/or transfer from available funds such sums of money as it deems necessary for making repairs and site improvements to 127 Old Harbor Road in order to make the structure safe and available for habitation as a contributing asset of Chatham's attainable and Affordable housing plan, and authorize the Select Board to take any action necessary to carry out the provisions of this article.

(Petitioner)

Motion: Petitioner Karolyn McClellan moved that the Town vote to declare the property at 127 Old Harbor Road as surplus to its needs, and direct the Select Board to contribute 127 Old Harbor Road to the Town's attainable of Affordable housing inventory; and further, vote to raise and appropriate and/or transfer from available funds such sums of money as it deems necessary for making repairs and site improvements to 127 Old Harbor Road in order to make the structure safe and available for habitation as a contributing asset of Chatham's attainable and Affordable housing plan, and authorize the Select Board to take any action necessary to carry out the provisions of this article.

Explanation: No explanation provided by petitioner.

Select Board Recommendation: Approve 2-3-0
Finance Committee Recommendation: Approve 4-3-0
Vote Required: Two-Thirds Majority

VOTE: Voice. So Voted.

Article 23 - Capital – Wastewater Project Expansion/Borrowing

To see if the Town will vote to appropriate \$7,000,000 for paying costs of the design, renovation, and construction of various projects involving wastewater collection facilities and systems, including facilities for surface water nutrient management, including land acquisition costs, property damage claims and all other costs incidental and related thereto; to determine whether this appropriation shall be raised by taxation, borrowing or otherwise; or to take any other action relative thereto provided, however, that the borrowing authorized hereunder is contingent upon passage of a so called debt exclusion referendum vote pursuant to G.L. c.59, §21C (Proposition 2 ½).

(Select Board)

Motion: Shareen Davis, Chair, Select Board, moved that the sum of \$7,000,000 is hereby appropriated for the purpose of paying costs of design, renovation, and construction of various projects involving wastewater collection facilities, including land acquisition costs, property damage claims and facilities for surface water nutrient management, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is hereby authorized to borrow said amount under and pursuant to Chapter 44 Section 7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided however that borrowing authorized hereunder is contingent upon passage of a so called debt exclusion referendum vote pursuant to Chapter 59, Section 21C of the General Laws (Proposition 2 ½), and further, that the Select Board is authorized to apply for and accept any grants or contributions that may be available toward the cost of said project from the Federal Government, the Commonwealth of Massachusetts or otherwise. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Explanation: *As implementation of the Comprehensive Wastewater Management Plan (CWMP) continues with expansions of sewers these expansions sometimes impact existing infrastructure. One piece of impacted infrastructure is the Queen Anne Pump Station, part of the original collection constructed in the early 70's.*

The proposed Chatham Queen Anne Pump Station Upgrade Project – 2021 focuses on the upgrade and capacity expansion of the existing pumping station to support the Town's ongoing CWMP implementation. This will include a complete reconstruction of the existing pumping station, electrical systems, emergency generator, and SCADA communication.

Funds are also sought for the potential construction of additional wastewater pump stations as part of sewer expansions. Additional pump stations are contemplated for the Ellis/Smith St, Independence Lane, and Pond View Lane/Wood Carver Knoll neighborhoods.

Funds are also sought for radio upgrades at sewer and water pumping stations as the manufacturer of the existing radios has discontinued their production.

The Queen Anne Pump Station Project has been submitted to State Revolving Fund (SRF) for funding on the 2021 Intended Use Plan (IUP) guaranteeing low interest loan funding and eligibility for 0% interest funding.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

Vote Required: Two-Thirds Majority

VOTE: Voice. So Voted Unanimously.

Article 24 - Capital – Stormwater Project/Borrowing

To see if the Town will vote to appropriate \$4,500,000 for paying costs of the design, renovation, and construction of various projects involving stormwater collection facilities and systems, including facilities for surface water nutrient management, including land acquisition costs, property damage claims and all other costs incidental and related thereto; to determine whether this appropriation shall be raised by taxation, borrowing or otherwise; or to take any other action relative thereto provided, however, that the borrowing authorized hereunder is contingent upon passage of a so called debt exclusion referendum vote pursuant to G.L. c.59, §21C (Proposition 2 ½).

(Select Board)

Motion: Cory Metters, Select Board, moved that the sum of \$4,500,000 is hereby appropriated for the purpose of paying costs of design, renovation, and construction of various projects involving stormwater collection facilities, including land acquisition costs, property damage claims and facilities for surface water nutrient management, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is hereby authorized to borrow said amount under and pursuant to Chapter 44 Section 7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided however that borrowing authorized hereunder is contingent upon passage of a so called debt exclusion referendum vote pursuant to Chapter 59, Section 21C of the General Laws (Proposition 2 ½), and further, that the Select Board is authorized to apply for and accept any grants or contributions that may be available toward the cost of said project from the Federal Government, the Commonwealth of Massachusetts or otherwise. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the

General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Explanation: *“Chatham Stormwater Improvements Project – 2021” focuses on three project areas: Stony Hill/Crowell Road; Main St./Town Offices Parking Lot; and Municipal Fish Pier/Shore Road.*

The Stony Hill/Crowell Road Project includes Phase II stormwater infrastructure improvements along portions of Crowell Rd., Tip Cart Lane, Barcliff Ave, and at the DPW Facility. The work is designed to address flooding on Crowell Road from existing under-sized infrastructure. New infrastructure will reduce the level of sediments, carrying associated pollutants, that is carried by stormwater to discharge in the upper reaches of Frost Fish Creek.

The Main St/Town Offices Project is part of the larger Main St. Sewer Replacement and Reconstruction Project being funded through the State Revolving Fund (SRF). Portions of Main St. in the downtown and the parking lot at the Town Offices comprises a significant portion of the area contributing stormwater discharge to Oyster Pond. The majority of parking lot runoff will be directed to oil/grit separators and infiltration structures, designed to minimize sediments and associated contaminants. Some runoff will be directed to a rain garden to remove sediments and nutrients while serving as a site amenity. Town Office Building gutters and basement sump pumps will be removed from the stormwater system and infiltrated on-site. Overall, these changes will cleanup and reduce the amount of stormwater runoff reaching Oyster Pond.

Stormwater runoff from parking lots at the Municipal Fish Pier, and a portion of Shore Rd., discharge directly to the waters of Chatham Harbor. This project will design and construct stormwater improvements in the parking lots before repaving following installation of the new underground fuel tanks, and along a portion of Shore Road, to reduce the volume of runoff and associated contaminants that enter Chatham Harbor. The proposed work was identified in the 2016 Overall Site Assessment and Facility Conditions Report, Town of Chatham Municipal (Town) Fish Pier, by Pare Corp.

These projects are components of the Town’s MS4 (Municipal Separate Stormwater System) permit issued by MADEP and USEPA. The MS4 program mandates municipalities remediate untreated stormwater discharges to “waters of the United States” with special attention to stormwater discharges to water bodies having TMDLs (Total Maximum Daily Loads) as is the case for Chatham where nutrients have been identified as a significant issue.

Chatham Stormwater Improvements Project – 2021 was listed on the State Revolving Fund’s (SRF) 2020 Draft Intended Use Plan (IUP) for low interest loan funding (SRF ID 4615). Due to the impacts of COVID-19 on the 2020 ATM resulting in a delay in obtaining local funding the project was withdrawn and re-submitted for listing on the 2021 IUP. The Project is listed on the 2021 IUP for low-interest loan funding (SRF ID 6772).

Funds in this Article will also support correcting the current flooding situation on Main St. in the vicinity of the former Eldredge Garage property. Investigation failed to find a definitive reason for failure of the previously functioning system. New underground leaching structures will be installed to alleviate flooding on Main St.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

Vote Required: Two-Thirds Majority

VOTE: Voice. So Voted Unanimously.

Article 25 - Water Capital – Water Mains

To see if the Town will vote to appropriate and transfer from available funds of the Water Department the sum of \$500,000 for design and construction of replacement water mains and for all costs incidental and related thereto.

(Select Board)

Motion: Dean Nicastro, Select Board, moved that the Town appropriate \$500,000 for the purpose of financing the design and construction of replacement water mains and for all costs incidental and related thereto and to meet this appropriation, that it transfer from available funds of the Water Department (water revenues/user fees) the sum of \$500,000.

Explanation: The replacement of old, unlined, or under-sized water mains and the public portion of water services connected to these water mains will improve the quality of water to customers who have these pipes delivering water to them. Smaller water mains and the water services were installed using pipes made from lead, steel, or copper that leach into the water, and unlined water mains leach iron into the water. Replacement of these pipes will also conserve water by preventing wasting of water through possible leaks from old pipes. Undersized water mains will be replaced with a water main of a minimum diameter of eight inches to improve the flow of water for fire protection. The last funding approval for replacement of water mains was June 2020 and in 2018/29 there were eleven (11) significant waterline breaks (not including any service breaks) and 2019/20 the department experienced three (3) water main breaks.

There is a balance of \$786,917.09 in the water fund available for proposed Water Capital Articles 25-27, should all receive favorable votes at Town Meeting the remaining balance will be \$61,917.09.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted Unanimously.

Article 26 – Water Capital – Training Field Wells 5 & 8 Study

To see if the Town will vote to appropriate a sum of \$75,000 for the Training Field Wells 5 & 8 Iron & Manganese Study and for all costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise.

(Select Board)

Motion: Jeffrey Dykens, Select Board, moved that the Town appropriate \$75,000 for Training Field Wells 5 & 8 Iron & Manganese Study and for all costs incidental and related thereto and to meet this appropriation, transfer from available funds of the Water Department (water revenue/user fees) the sum of \$75,000.

***Explanation:** The Training Field well site is starting to show signs of increased level of iron and manganese. As such, it is recommended that a study occur to determine a course of action (necessity) and timeline of the future construction of a water treatment/filter plant before maximum levels of contaminants are reached.*

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted Unanimously.

Article 27 – Water Capital – Wells 10 & 11 Completion & Well Blending

To see if the Town will vote to appropriate a sum of \$150,000 for Design and Engineering costs for the completion and well blending for Wells 10 & 11 and for all costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise.

(Select Board)

Motion: Dean Nicastro, Select Board, moved that the Town appropriate \$150,000 for Design and Engineering costs for the completion and well blending for Wells 10 & 11 and for all costs incidental and related thereto; that to meet this appropriation, transfer from available funds of the Water Department (water revenues/user fees) the sum of \$150,000.

***Explanation:** In 2010, the design for a new chemical feed building at Wells 10 & 11 was 95% complete, and portions of the wells, screenings and casings were installed. The project was halted due to discovery of contaminants, which have now cleared. A prolonged pumping test was completed in 2018 which identified the possibility of blending the water rather than construction of a separate water treatment plant. This article requests funds for Design and Engineering which would identify and recommend the preferred option to move forward. It is expected that an article for construction would be presented at the Annual Town Meeting in 2022.*

This project is important as the severe drought of last summer resulted in every well running 17-20 hours per day; and two wells shut down on a few occasions. Based on the water usage, it appears more people stay longer in Town which is stressing our capacity to meet demand. Bringing Wells #10 & 11 on-line will help meet this demand and not leave us in a critical situation should one or more pieces of equipment fail during the summer months.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted Unanimously.

Article 28 – Childcare Voucher Program

To see if the Town will vote to raise and appropriate the sum of \$75,000 to fund the Chatham Childcare Voucher Program.

(Select Board)

Motion: Cory Metters, Clerk, Select Board, moved that the Town appropriate the sum of \$75,000 to fund the Chatham Childcare Voucher Program, and for all costs incidental and related thereto, and to raise said through the tax rate.

Explanation: *This article seeks funds for the Chatham Childcare Voucher Program, currently administrated by a third party (presently Monomoy Community Services). Funding approved for FY 2021 of \$75,000 in total under Article 16 (\$0 in the Human Services budget) increased funding for the program to assist and support a greater number of families with young children in Chatham. Childcare availability was disrupted due to the COVID-19 pandemic. At the time of this explanation, 33 children in 21 households have benefited with the last quarter of the fiscal year remaining. This Article (28) level funds the program and would ensure the continued ability to provide year-round, pandemic and post-pandemic, assistance for families living and working in Chatham.* https://www.chatham-ma.gov/sites/g/files/vyhlf2926/f/uploads/ccvp_fy21_packet_with_notice_6-16-20_0.pdf

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: CONSENT CALENDAR

Article 29 – Capital - Dredging

To see if the Town will vote to raise and appropriate and/or transfer from Free Cash \$300,000 for the purpose of paying costs related to dredging within Chatham's waterways including costs for engineering, permitting, and construction, including all costs incidental and related thereto.

(Select Board)

Motion: Shareen Davis, Chair, Select Board, moved that the Town appropriate the sum of \$300,000 for the purpose of paying costs related to dredging within Chatham's waterways including costs for engineering, permitting, and construction, including all costs incidental and related thereto; and to meet this appropriation transfer \$300,000 from Free Cash.

Explanation: *Maintaining safe navigable channels is critically important to preserve Chatham's maritime interests. These channels service Chatham's commercial fishing fleet, the largest on Cape Cod, Coast Guard search and rescue operations, and thousands of local and visiting recreational boaters. Ongoing changes to the eastern barrier beaches and inlets have intensified shoaling and sediment movement in Chatham Harbor and, more alarmingly, at the entrance to Stage Harbor.*

Stage Harbor has historically been available to mariners seeking an alternative port when conditions make accessing Chatham Harbor or crossing the outer bars difficult. In addition, Stage Harbor is home to over 1,300 moorings and slips, 3 of Chatham's 5 marinas, multiple public launching ramps, the Old Mill Boat Yard Harbormaster Facility, and recently improved fisheries offloading facilities at 90 Bridge St. and Trap Dock. Shoaling at the entrance to Stage Harbor has substantially increased threatening safe, viable navigation into this important deep-water harbor. This article will augment the Town's dredging account to provide maintenance dredging services from federal, county, and/or private sources as may be available. The balance of Free Cash after approving this article is \$1,419,249.72.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted Unanimously.

Article 30 – Other Post-Employment Benefits (OPEB) Liability Trust Fund Appropriation

To see if the Town will vote to transfer from overlay surplus the sum of \$150,000 for the purpose of funding the Other Post-Employment Benefits (OPEB) Liability Trust Fund.

(Select Board)

Motion: Jeffrey Dykens, Select Board, moved that the Town vote to transfer the sum of \$150,000 from overlay surplus for the purpose of funding the Other Post-Employment Benefits Liability Trust Fund.

Explanation: *The Town established the OPEB Liability Trust Fund in 2012 in compliance with General Accounting Standards Board ("GASB") Statements 74 and 75 (replaces GASB 43 and 45) and MGL Chapter 32B, §20. Such is the mechanism to fund future financial obligations for health insurance benefits, other than pensions, for eligible retired employees of the Town. The Town's overall unfunded liability as of June 2020 was \$18,586,638 and the Plan Fiduciary Net Position was \$2,285,066 as of June 2020. The OPEB Trustees recommend funding this liability*

within fifteen (15) years, this article along with the repurposed Landbank surcharge of 1.5% (of 3% expiring on January 1, 2020) as adopted by ATM May 2019 and anticipated (long-term) investment rate (4%) achieves this goal. Overlay surplus is an available fund and will have no impact on the tax rate; Funding the OPEB Liability is an action which is viewed positively by Bond Rating Agencies. The Town's OPEB Trustees voted unanimously to support this action.

Select Board Recommendation: **Approve 5-0-0**

Finance Committee Recommendation: **Approve 8-0-0**

VOTE: CONSENT CALENDAR

Article 31 – FY2022 Community Preservation Committee Administrative Budget

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund Revenues in accordance with the provisions of MGL, Ch. 44B, §5, the sum of \$15,000 for the purpose of funding administration associated with the Community Preservation Act, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from Community Preservation Fund Revenues in accordance with the provisions of MGL Ch. 44B, §5, \$15,000 for the purpose of funding administrative costs associated with the Community Preservation Act, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Explanation: *The Community Preservation Act allows Town Meeting to appropriate up to 5% of estimated revenues for the Community Preservation Committee to carry out its statutory duties. The CPA generates approximately \$1.2M per year; \$1,050,000 from the 3% surcharge and matching funds from the state; estimated at 15% (or \$250,000) for FY2022. This year \$15,000 is being requested for clerical expenses, appraisals, consulting, and legal services.*

Community Preservation Committee Recommendation: **Approve 9-0-0**

Select Board Recommendation: **Approve 5-0-0**

Finance Committee Recommendation: **Approve 8-0-0**

VOTE: CONSENT CALENDAR

Article 32 - FY2021 Community Preservation Fund Appropriations

To see if the Town will vote to appropriate and transfer, pursuant to the provisions of MGL Ch. 44B, §6 to Reserve from the Community Preservation Fund Estimated Revenues the following amounts:

\$ 140,000 for Open Space/Recreation Purposes
\$ 140,000 for Historic Purposes
\$ 140,000 for Community Housing Purposes

Total Reserves of \$420,000.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town appropriate and transfer, pursuant to the provisions of MGL Ch. 44B, §6 to Reserve from the Community Preservation Estimated Revenues the following amounts:

| | |
|--------------------|------------------|
| Open Space | \$140,000 |
| Historic Resources | \$140,000 |
| Community Housing | <u>\$140,000</u> |
| Total Reserves | \$420,000 |

***Explanation:** The Community Preservation Act requires that each year 10% of estimated revenue be reserved or expended for each of the following categories: Open Space, Community Housing, and Historic Resources. This article fulfills that requirement. In subsequent articles, the motions presented transfer these funds out of these reserves to fund the projects. If one or more of the articles does not receive Town Meeting approval, the funding remains in the reserve accounts per the statutory requirement.*

| | |
|---|----------------------|
| Community Preservation Committee Recommendation: | Approve 9-0-0 |
| Select Board Recommendation: | Approve 5-0-0 |
| Finance Committee Recommendation: | Approve 8-0-0 |

VOTE: CONSENT CALENDAR

Article 33 - Community Preservation – Affordable Housing Coordinator

To see if the Town will vote to appropriate and transfer from the Community Preservation Estimated Revenues in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$30,000 for the purpose of funding a contract with an Affordable Housing Coordinator, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Estimated Revenues in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$30,000 for the purpose of funding a contract with an Affordable Housing Coordinator, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Explanation: *In order to advance affordable housing initiatives in Town, enhance the capability of the Chatham Community Housing Partnership (previously known as the Affordable Housing Committee), and forward the goals of the Local Comprehensive Plan, the expertise of a housing specialist was recognized as a need. A contract was awarded in December 2018 to the Community Development Partnership (CDP) and in June 2020 the contract was again awarded the CDP. The Town is requesting \$30,000 to continue this contract with the CDP. The Housing Coordinator supports services for housing-related programs, and affordable housing initiatives such as the most recent Emergency Rental Assistance program created in response to the COVID-19 pandemic. The Housing Coordinator works with the Chatham Housing Authority, Monomoy Community Services and Housing Assistance Corporation to ensure residents are receiving the necessary assistance. The efforts of the Coordinator have been instrumental in outreach and support to Chatham residents and in moving housing solutions forward in Chatham.*

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: CONSENT CALENDAR

Article 34 - Community Preservation – Feasibility Study for Housing

To see if the Town will vote to appropriate and transfer from the Community Preservation Housing Reserves in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$50,000 for the purpose of funding a Feasibility Study to Develop Housing, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Housing Reserves in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$50,000 for the purpose of funding a Feasibility Study to Develop Housing, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Explanation: *The Affordable Housing Trust is considering the purchase of property or using Town-owned property for affordable and attainable housing. The first step to create housing on a property is to conduct a feasibility study to determine if any potential development hurdles exist and the number of units that property can support for housing. The Select Board has identified affordable and attainable housing as a top priority.*

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation:

Approve 8-0-0

VOTE: CONSENT CALENDAR

Article 35 - Community Preservation – Affordable Housing Trust Fund

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance \$1,000,000 in accordance with the provisions of MGL Ch. 44B, §5, for the purpose of funding the Affordable Housing Trust Fund, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer \$1,000,000 from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, for the purpose of funding the Affordable Housing Trust fund, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** The Affordable Housing Trust Fund (AHTF) was created by Town Meeting in 2006 and is administered by the Select Board and two appointed trustees. This request would add to the AHTF balance, which allows the Town to respond to opportunities in the housing market in a time-sensitive and efficient manner, not having to wait for a future Town Meeting for approval. The AHTF, at the time of this writing, is currently in the process of reviewing privately owned parcels to consider for purchase to begin the process to create much needed community housing. This past year, the AHTF funded an Emergency Rental Assistance Program in the amount of \$150,000 to assist families that have been financially impacted by the pandemic. The balance in the AHTF is \$1,708,275 as of March 31, 2021.*

Community Preservation Committee Recommendation: **Approve 9-0-0**

Select Board Recommendation: **Approve 5-0-0**

Finance Committee Recommendation: **Approve 8-0-0**

VOTE: CONSENT CALENDAR

Article 36 - Community Preservation – Habitat for Humanity

To see if the Town will vote to appropriate and transfer from the Community Preservation Housing Reserves in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$90,000 for the purpose of funding Habitat for Humanity housing project at 11 George Ryder Rd South, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Housing Reserves in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$90,000 for the purpose of funding the Habitat for Humanity housing project at 11 George Ryder Rd South, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** Funds approved under this article will assist with the creation of two affordable home ownership units on property located at 11 George Ryder Rd South. Habitat for Humanity has been selected as the builder of two homes, a 2-bedroom ranch and a 3-bedroom Cape. The cost of the project is estimated at \$622,201, which includes this appropriation from Community Preservation funds.*

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: CONSENT CALENDAR

Article 37 - Community Preservation – Town Clock

To see if the Town will vote to appropriate and transfer from the Community Preservation Historic Reserves in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$19,700 for the purpose of funding the Town Clock Restoration, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Historic Reserves in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$19,700 for the purpose of funding the Town Clock Restoration, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** The 1849 clock in the steeple of the First United Methodist Church was donated to the Town in 1910. The face and hands of the “Town Clock” are in need of restoration. The eight (8) hands will be removed, cleaned, primed, and finished with a layer of gold leaf and reinstalled on the four (4) clock faces which will have been sanded and painted as part of the restoration.*

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: CONSENT CALENDAR

Article 38 - Community Preservation – Town Clerk Archives

To see if the Town will vote to appropriate and transfer from the Community Preservation Historic Reserves in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$135,600 for the purpose of funding the Preservation of the older Town Vital Records, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Historic Reserves in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$135,600 for the purpose of funding the Preservation of the older Vital Records of the Town of Chatham including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** Vital Records created and maintained by the Town Clerk contain the history of our residents. The records include Birth, Death and Marriage information and need to be protected. This request would complete the restoration/preservation of the oldest records as well as provide a secure storage area in the vault located in the Town Clerk's office. New vault shelving would comply with State guidelines for storage of records, increase capacity and ease of access to the records. The vital records would be copied to microfilm and CDs will be provided to limit the need to physically handle the oldest records.*

Community Preservation Committee Recommendation: Approve 8-0-1

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: CONSENT CALENDAR

Article 39- Community Preservation – Atwood House Roof

To see if the Town will vote to appropriate and transfer from the Community Preservation Estimated Revenues \$41,225 in accordance with the provisions of MGL Ch. 44B, §5, for the purpose of funding the Rehabilitation/Restoration of the Roofs on the three Atwood Museum buildings including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Estimated Revenues \$41,225 in accordance with the provisions of MGL Ch. 44B, §5, for the purpose of

funding the Rehabilitation/Restoration of the Roofs on the three Atwood Museum buildings including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** This article would provide funds for the restoration and rehabilitation of the roofs on three (3) buildings that comprise the Atwood House Museum. The Old Atwood House is a sea captain's house and was built in the 1750's. The Mural Barn features works that display community members and social life of Chatham in the 1930s and 40s. Other exhibits include a Fishing Gallery, Then and Now photography from the 1920s, shells, carved birds, shipwrecks and Coast Guard history, nautical charts and more. The restoration and rehabilitation of the roofs will preserve the historic character and physical integrity of the buildings.*

| | |
|---|----------------------|
| Community Preservation Committee Recommendation: | Approve 9-0-0 |
| Select Board Recommendation: | Approve 5-0-0 |
| Finance Committee Recommendation: | Approve 8-0-0 |

VOTE: CONSENT CALENDAR

Article 40 - Community Preservation – Nickerson Archaeological Dig

To see if the Town will vote to appropriate and transfer from the Community Preservation Historic Preservation Estimated Revenues in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$31,000 for the purpose of funding the Nickerson Homesite Archaeological Dig Analysis including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Historic Preservation Estimated Revenues in accordance with the provisions of MGL Ch. 44B, §5, \$31,000 for the purpose of funding the Nickerson Homesite Archaeological Dig Analysis including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** This article will provide funds for laboratory analysis of the materials from the excavation of the c.1664 homestead of William and Anne Busby Nickerson, Chatham's first English settlers. The dig began in June 2016 with test pits and continued over several years; the archaeological team located the remains of the hearth as well as the outline of the house as well as many artifacts. This project would provide analysis that would broaden the understanding of the natural environment of the 17th century. The funds are also needed for conservation of the metal and copper objects found at the dig; in particular those found at the iron smelting operations on the site.*

Community Preservation Committee Recommendation: Approve 9-0-0

Select Board Recommendation:
Finance Committee Recommendation:

Approve 4-1-0
Approve 7-1-0

VOTE: Voice. “So Voted by a Very Substantial Majority”, declared the Moderator.

Article 41 - Community Preservation – US Coast Guard Boat House

To see if the Town will vote to appropriate and transfer from the Community Preservation Estimated Revenues in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$243,250 for the purpose of funding the Preservation of the US Coast Guard Boathouse including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Estimated Revenues in accordance with the provisions of MGL Ch. 44B, §5, \$243,250 for the purpose of funding the Preservation of the US Coast Guard Boathouse including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Explanation: In 2009, David Doherty rescued the USCG Chatham Boathouse (longtime home of the iconic USCG 36500 rescue boat) from demolition. Mr. Doherty acquired the boathouse and having exhausted all possibilities of relocating the boathouse in Chatham, he, with the assistance of summer resident Jay Cashman, barged the 50,000-pound boathouse to Mr. Cashman’s boatyard in Quincy for safekeeping. The Boathouse subsequently was located in Hull and in late 2020 when the boathouse was offered for sale by a private party Mr. Doherty re-acquired it. Mr. Doherty has offered the boathouse to the Town and a donation agreement has been executed. This article seeks \$243,250 from available Community Preservation Act funds to transport this historic boathouse back to Stage Harbor and preserve it for repurposing as the Town’s shellfish upwelling facility at 90 Bridge Street.

Community Preservation Committee Recommendation: Approve 7-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-0-1

VOTE: Voice. “So Voted by a Very Substantial Majority”, declared the Moderator.

Article 42 - Community Preservation – Frost Fish Salt Marsh Restoration

To see if the Town will vote to appropriate and transfer from the Community Preservation Open Space Reserve in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$75,000 for the purpose of funding a hydraulic and water quality modeling study of Frost Fish Creek necessary for the restoration of the creek, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Open Space Reserve in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$75,000 for the purpose of funding a hydraulic and water quality modeling study of Frost Fish Creek necessary for the restoration of the creek including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** The Chatham Conservation Foundation (CCF) is requesting funds to assist with the restoration and preservation of Frost Fish Creek Salt Marsh, an area of approximately 90 acres of salt marsh. These funds would further the study conducted (and financed) by the Association to Preserve Cape Cod (APCC) in 2018 which indicated multiple tidal restrictions and recommended further study to plan for preserving the health of the marsh. Preservation of Frost Fish Creek will then be able to encompass a desired combination of the following: improved water quality, salt marsh restoration, reestablishment of fish passage and potential for salt marsh migration. CCF will contribute \$5,000 toward this phase of the project and grants will be sought for future improvements. The Pleasant Bay Alliance and APCC support this project.*

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. "So Voted Unanimously", declared the Moderator.

Article 43 - Community Preservation - Revolutionary War Memorial

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$10,000 for the purpose of funding a Revolutionary War Memorial including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$10,000 for the purpose of funding a Revolutionary War Memorial including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** The Revolutionary War Monument would consist of a large stone with a rectangular or square bronze plaque insert and would be placed at the Benjamin Godfrey*

Windmill site. The site was chosen as Benjamin Godfrey led the Chatham Military Company in the war; his name as well as other Chatham citizens who fought in the Revolution will be included on the plaque insert.

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: CONSENT CALENDAR

**Article 44 - Community Preservation – Pleasant Bay Community Boating
Americans with Disabilities Act (ADA) Compliant Dock**

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$25,000 for the purpose of funding Pleasant Bay Community Boating (PBCB) Accessibility Improvements including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$25,000 for the purpose of funding Pleasant Bay Community Boating (PBCB) Accessibility Improvements including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Explanation: The Pleasant Bay Community Boating (PBCB) organization provides sailing and educational opportunities for children, adults, and seniors of all abilities from Chatham and surrounding Towns. This article requests funds to contribute to the cost of a handicap accessible drop off area, walkway, permanent pier and seasonal gangway and float that will be accessible to all. The total cost for improvements is \$250,000; PBCB has raised approximately \$130,000 and is also requesting funds of \$25,000 each from Orleans, Harwich, and Brewster.

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So Voted Unanimously.

Article 45 - Community Preservation – American with Disabilities Act (ADA) Beach Access

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of

\$22,500 for the purpose of funding handicap access features at Town beaches including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$22,500 for the purpose of funding handicap access features at Town beaches including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** The Town has received requests to improve access for the disabled at Town beaches. This application would fund items for Harding's and Oyster Pond beaches by providing three (3) beach wheelchairs, access mats, benches, and a shed to store the items at Harding's Beach.*

Community Preservation Committee Recommendation: Approve 9-0-0

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 9-0-0

VOTE: CONSENT CALENDAR

Article 46 - Community Preservation – Sears Park

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$24,000 for the purpose of funding Sears Park Improvements including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$24,000 for the purpose of improving Sears Park plantings including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** The small park at the intersection of Seaview and Main Streets is tended by the Garden Club whose members donate time to maintain gardens around Town. This application would fund improvements to make Sears Park a more attractive centerpiece in the heart of downtown. The plan is to remove all plants including the hedges and replace them with mostly native species, as well as a variety of shrubs, hydrangeas, and bulbs. The application also includes a small well for irrigation and benches.*

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 9-0-0

VOTE: CONSENT CALENDAR

Article 47 - Community Preservation – Jackknife Beach

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$50,000 for the purpose of funding a master site plan for Jackknife Harbor Beach including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$50,000 for the purpose of funding a Master Site Plan for Jackknife Harbor Beach including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Explanation: *This application seeks funds to develop a Master Site Plan for the improvement to the Jackknife Harbor Beach. This beach is a popular recreational destination for the public to access Pleasant Bay for picnicking, swimming, shellfishing and boating. The Plan will develop recommendations for site improvements for access to the beach and preservation of the resource. This application has received support from the Pleasant Bay Alliance.*

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 6-3-0

VOTE: Voice. “So Voted by a Substantial Majority”, declared the Moderator.

Article 48 - Community Preservation – Old Mill Boat Yard Access Stairs & Platform

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$45,000 for the purpose of funding the installation of access stairs and viewing platform at Old Mill Boat Yard including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$45,000 for the purpose of funding the installation of a viewing platform and access stairs at Old Mill Boat Yard including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** The Old Mill Boat Yard area on Stage Harbor overlooks a prolific shell-fishing area used by recreational shell-fishers. The only access is via deteriorated stair system at the northern edge of the parking lot. Funds would be used to construct a new (non-slip) stair system with a small platform at the top. The stairs would improve pedestrian access to intertidal flats ("Champlain Flats") for recreational shell-fishing.*

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-1

VOTE: CONSENT CALENDAR

Article 49 - Community Preservation – Old Colony Rail Trail Milestone Markers

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$2,400 for the purpose of Installing granite mile markers on the Old Colony Rail Trail including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$2,400 for the purpose of Installing granite mile markers on the Old Colony Rail Trail including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** Installation of two (2) granite markers on the Old Colony Rail Trail (OCRT). One marker would be installed at the boundary of Chatham and Harwich, the other marker would at the mid-point (4-mile point) of the OCRT in Chatham. Markers would provide trail users with better orientation to measure distance to point certain, or to provide location in the event of an emergency.*

Community Preservation Committee Recommendation: Approve 9-0-0
Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 9-0-0

VOTE: CONSENT CALENDAR

Article 50 - Community Preservation – Old Colony Rail Trail Crossing Lights

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$28,000 for the purpose of funding a bike crossing light including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$28,000 for the purpose of funding a bike crossing light including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** Installation of bike crossing warning lights will improve the safety of Chatham residents and visitors who use the Old Colony Rail Trail at the intersection of Old Queen Anne, Stepping Stones and Wilfred Roads. This section of the trail is used extensively between the months of May and October; a count held on a summer day in 2019 recorded a total of 1099 vehicles over a 12- hour period, and 642 bike trail users of which 85% were cyclists. The warning lights are solar powered and are motion or push-button activated.*

Community Preservation Committee Recommendation: Approve 9-0-0

Select Board Recommendation: Approve 4-0-1

Finance Committee Recommendation: Approve 7-0-0

VOTE: CONSENT CALENDAR

Article 51 - Community Preservation – Old Colony Rail Trail Feasibility Studies

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$25,000 for the purpose of funding Feasibility Studies for Expansion of the OCRT, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$25,000 for

the purpose of funding Feasibility Studies for Expansion of the OCRT including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** The Bikeways Committee, in cooperation with the Chatham Dept. of Public Works (DPW) has requested funding for two (2) feasibility studies for projects in South Chatham. The first project is review of the current 'share-the-road' layout on George Ryder Road to Route 28; vs. an alternative route. The feasibility study would identify and suggest solutions to the current layout. The second project would be to evaluate the feasibility and costs associated with construction of an off-road two-way multi-use path on the east side of George Ryder Road. The funds will be used for the feasibility studies only, no funds will go towards construction. By combining these two studies there is cost savings of \$5,000.*

Community Preservation Committee Recommendation: Approve 9-0-0

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 3-6-0

VOTE: Voice. "So Voted by a Substantial Majority", declared the Moderator.

Article 52 - Community Preservation – Seaside Links Golf Course Invasive Species Removal

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$86,000 for the purpose of removal of invasive plant species at Chatham Seaside Links including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$86,000 for the purpose of removal of invasive plant species at Chatham Seaside Links including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** The purpose of this project is to remove the invasive vegetation and replace with native vegetation at the Chatham Seaside Links Golf Course. Removal of invasive species will benefit the Town both environmentally and aesthetically; the golf course is a visually attractive open space near the center of Town.*

Community Preservation Committee Recommendation: Approve 8-1-0

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 6-3-0

VOTE: Voice. "So Voted in Favor", declared the Moderator.

Article 53 - Community Preservation – Seaside Links Golf Course 7th & 9th Tee

To see if the Town will vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$8,000 for the purpose of design and engineering for the construction of a Natural Grass tee box for the 7th and 9th tees at the Chatham Seaside Links Golf Course including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

(Community Preservation Committee)

Motion: Dr. Michael Tompsett, Chairman, Community Preservation Committee, moved that the Town vote to appropriate and transfer from the Community Preservation Undesignated Fund Balance in accordance with the provisions of MGL Ch. 44B, §5, the sum of \$8,000 for the purpose of design and engineering for the construction of a Natural Grass tee box for the 7th and 9th tees at Chatham Seaside Links Golf Course including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

***Explanation:** This article requests funds for design, permitting and construction documents for a new natural grass tee box for the 7th & 9th tees as Seaside Links Golf Course. A new tee box will replace the old and limited tee box as well as replace plastic grass with natural turf, providing a better quality of play.*

Community Preservation Committee Recommendation: Approve 7-1-1

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. “So Voted by a Substantial Majority”, declared the Moderator.

Article 54 – Home Rule Petition for Prevailing Wages Exemption; Recertify H3581

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation seeking the Town’s exemption from complying with sections 26 through 27G of Chapter 149 of the General Laws for projects estimated to cost \$50,000 or less, in substantially the following form:

AN ACT RELATIVE TO THE PREVAILING WAGE IN THE TOWN OF CHATHAM

Section 1. Notwithstanding any general or special law to the contrary, the Town of Chatham shall be exempt from complying with Sections 26 through 27G of Chapter 149 of the General Laws for projects estimated to cost \$50,000 or less.

Section 2. This act shall take effect upon its passage.

Or take any other action in relation thereto.

(Select Board)

Motion: Jeffrey Dykens, Select Board, moved that the Town vote to authorize the Select Board to petition the General Court for special legislation seeking the Town's exemption from complying with sections 26 through 27G of Chapter 149 of the General Laws for projects estimated to cost \$50,000 or less, as printed in the Warrant for Article 54.

Explanation: *This article had been approved at the 2015 Annual Town Meeting (Article 38) and the 2017 ATM (Article 9) and recommended unanimously by both the Select Board and Finance Committee. The bill H1676 (formerly H2374 and H3581) remains in Legislative Committee and expires with no action in May 2021. This action will allow us to re-file the legislation.*

There have been a number of small capital repairs for which the Town received either no bidders or the bid amounts exceeded project estimates. The purpose of this Home Rule petition is to exempt certain municipal projects, including routine maintenance work and small public works projects estimated to cost \$50,000 or under, from the mandated MA prevailing wage statute which can add a cost premium of approximately 30%. Such change would not remove protections for workers but would allow local contractors more flexibility and opportunity to bid on municipal projects, with less administrative burden. This proposed action will still require proper oversight and accountability.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: CONSENT CALENDAR

Article 55 – General Bylaw Amendment; Name Change Select Board

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend Chapter 10-1 General Provisions of the Town of Chatham General Bylaws as follows:

To amend section 10-1 B. by substituting the term "Select Board" for "Board of Selectmen" and adding the following: For purposes of these bylaws, the Select Board shall assume and retain the status of the formerly designated Board of Selectmen and shall assume all powers and duties vested in a board of selectmen by general or special law, home rule charter, these bylaws or other applicable authority.

And further, by deleting, in every other instance in which they appear in the General Bylaws, the terms “Board of Selectmen” and “Selectmen” and inserting in their place, the words “Select Board”;

or take any other action relative thereto.

(Select Board)

Motion: Shareen Davis, Chair, Select Board, moved the Town vote to amend its General Bylaws as printed in the warrant for Article 55.

***Explanation:** Article 68 of the 2019 Annual Town Meeting proposed a non-binding resolution for the Town to petition the General Court of the Commonwealth of Massachusetts for a special act to amend the Town of Chatham Home Rule Charter as adopted at May 11, 1995 Annual Election and amended by Chapter 457, Acts of 2012 and further to amend the Town by-laws by changing the words “Board of Selectmen” wherever they appear, to the words “Select Board.” The article passed by majority vote. On January 13, 2021 Chapter 344 of the Acts of 2020 was approved by the Governor implementing the subject Charter amendments. Passage of this article would effectuate the corresponding changes to the Town’s bylaws upon adoption of the corresponding Home Rule Charter amendments.*

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-1-0

VOTE: Voice. “So Voted by a Substantial Majority”, declared the Moderator.

Article 56 – General Bylaw Amendment; Time of Meetings

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend the General Bylaws of the Town in Section 60-2 as follows:

§ 60-2 Time of meetings.

C.

The Annual Town Meeting shall begin on the second Monday of May unless the Select Board votes on or before December 31 of the preceding year to establish another date within the month of May, and shall continue, by adjournment from time to time, until disposition has been made of all articles contained in the warrant.

(Select Board)

Motion: Cory Metters, Clerk, Select Board, moved that the Town vote to amend its General Bylaws of as printed in the warrant for Article 56.

Explanation: *The Chatham 365 Taskforce recommends the Town hold Town Meetings on Saturdays to increase participation in the process by a more diverse representation of the community. This Article will amend the General Bylaws and provide the Select Board the opportunity to set a date for the Annual Town Meeting other than the second Monday of May. If approved, due to the time constraints involved in the general bylaw approval process and required election deadlines, this bylaw will be available for implementation for 2022 Annual Town Meeting (May 2022).*

Select Board Recommendation: **Approve 5-0-0**

Finance Committee Recommendation: **Approve 8-0-0**

VOTE: CONSENT CALENDAR

Article 57 – General Bylaw Amendment; New –
Energy Efficiency in Town Procurement of Design Services for Capital Facility Projects

~~Strikethrough~~ indicates language for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend the General Bylaws by adding a new Chapter ### (Energy Efficiency in Town Procurement of Design Services for Capital Facility Projects), as follows:

Chapter ### - Energy Efficiency in Town Procurement of Design Services for Capital Facility Projects

§###-1. Purpose – The purpose of this bylaw is to mitigate the threat of climate change by reducing greenhouse gas emissions from the Town’s public buildings by evaluating design options for reduced emissions from the first stage of the design process for new public buildings, providing for thorough analysis of the feasibility, cost and impacts of net zero emission designs, and analysis of each element of design which could facilitate reduction in emissions where net zero design is not yet feasible.

§###-2. Definitions - The following, for the purposes of this Chapter of these Bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

ALTERNATIVE DESIGN RECOMMENDATION - Any Design Recommendation other than a Compliant Design Recommendation.

CAPITAL FACILITY PROJECT - Any Capital Facility Project as defined in Section 1 of Chapter 7C of Massachusetts General Laws.

COMPLIANT DESIGN RECOMMENDATION - A Design Recommendation which is fully compliant with both the Efficiency Code and the Zero Code.

DESIGN RECOMMENDATION - Any master plans, studies, cost estimates, programs, drawings, plans or specifications prepared for a Capital Facility Project as part of Design Services as defined herein.

DESIGN SERVICES - Any Design Services as defined in Section 44 of Chapter 7C of Massachusetts General Laws, and which not exempted from the jurisdiction of the State designer selection board pursuant to Section 46(e) of Chapter 7C of Massachusetts General Laws.

ECONOMIC IMPACT - The estimated long-term financial costs and benefits including costs of initial development of the Capital Facility Project and the present value of projected future operating expenses for the Capital Facility Project.

EFFICIENCY CODE - The 2021 International Energy Efficiency Code applicable to non-residential buildings as promulgated and most recently updated by the International Code Council.

EMISSIONS IMPACT - The estimated long-term impact on total emissions of greenhouse gases resulting from development and operation of the Capital Facility Project.

GREENHOUSE GASES - Gases that trap heat in the atmosphere as defined by the United States Environmental Protection Agency including carbon dioxide, methane, nitrous oxide and fluorinated gases.

ZERO CODE - The Zero Code Renewable Energy Appendix to the Efficiency Code as incorporated in Code Change Proposal CE264-19 submitted by the American Institute of Architects or as subsequently adopted and incorporated into the Efficiency Code by the International Code Council.

§###-3. Provisions of Requests for Proposals for Design Services.

a) Economic Impact Evaluation of Design Recommendations - The purpose of this Bylaw is solely to assure that the decision of the Town regarding any future Capital Facility Project is fully informed by the thorough evaluation of alternatives and nothing in this bylaw shall be construed to require the Town to select a Compliant Design Recommendation for any Capital Facility Project. Every request for proposals for Design Services for any Capital Facility Project which is issued by any instrumentality of the Town shall require at least one Compliant Design Recommendation and may at the discretion of the issuing authority request evaluation of an Alternative Design Recommendation, in which case the Design Recommendations shall evaluate the comparative Economic Impacts of the Compliant Design Recommendation and the Alternative Design Recommendation.

b) Emissions Impact Evaluation of Alternative Design Recommendation - In the event that the Design Services include an Alternative Design Recommendation, the Design Recommendations shall evaluate the comparative Emissions Impacts of the Alternative Design Recommendation and the Compliant Design Recommendation together with the relative Economic Impacts and relative Emissions Impacts of each major design element related to energy generation and usage to facilitate assessment of lower-emission alternatives to the Alternative Design Recommendation.

c) Effective Date - This bylaw shall apply to any Request for Proposals issued on or after January 1, 2022.

Or take any other action related thereto.

(Energy Committee)

Motion: Peter Cocolis, Select Board, moved that the Town vote to amend its General Bylaws as printed in the Warrant for Article 57.

***Explanation:** This article requires any new construction or addition project done by or for the Town include pricing for a net-zero option so that option's energy and emissions savings can be evaluated for its lifetime cost-effectiveness. There is no obligation in this article that the Town must select the net zero option. This article may increase the design related costs for future projects, though those costs should be small. More importantly, these studies will ensure that future projects have the lowest lifetime costs to build and operate.*

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: CONSENT CALENDAR

**Article 58 - General Bylaw Amendment; New –
Energy Efficiency in Town Procurement of Motor Vehicles**

~~Strikethrough~~ indicates language for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend the General Bylaws by adding a new Chapter ### (Energy Efficiency in Town Procurement of Motor Vehicles), as follows:

Chapter ### - Energy Efficiency in Town Procurement of Motor Vehicles

§###-1. Purpose – The purpose of this bylaw is to mitigate the threat of climate change by reducing greenhouse gas emissions from the Town's motor vehicles by transitioning the Town

motor vehicle fleet to zero emission vehicles at the earliest feasible time as Town vehicles are replaced or added.

§###-2. Definitions - The following, for the purposes of this Chapter of these Bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

BATTERY ELECTRIC VEHICLE - A vehicle that draws propulsion energy solely from an on-board electric storage device during operation that is charged from an external source of electricity, as defined in Section 16(a) of Chapter 25A of Massachusetts General Laws.

CONVENTIONAL MOTOR VEHICLE - Any motor vehicle which is not an electric vehicle or fuel cell vehicle.

ELECTRIC VEHICLE - Any battery electric vehicle or plug-in hybrid electric vehicle, as defined in Section 16(a) of Chapter 25A of Massachusetts General Laws.

FUEL CELL VEHICLE - A new qualified fuel cell motor vehicle as defined in sub-section (b)(3) of Section 30B of Title 26 of the United States Code.

LISTED VEHICLE - An electric vehicle or fuel cell vehicle which the Cape Cod Commission has determined (i) is capable of serving particular functions required by a category of municipal user in the normal usage of such motor vehicle and (ii) the total lifetime cost of such electric vehicle or fuel cell vehicle is not likely to materially exceed the total lifetime cost of a conventional motor vehicle.

MATERIALLY EXCEEDS - Exceeds by more than the greater of five per cent or five thousand dollars.

MOTOR VEHICLE - Any vehicle included in the definition of motor vehicles, as defined in Section 1 of Chapter 90 of Massachusetts General Laws.

PLUG-IN HYBRID ELECTRIC VEHICLE - A vehicle with an on-board electric energy storage device that can be recharged from an external source of electricity which also has the capability to run on another fuel, as defined in Section 16(a) of Chapter 25A of Massachusetts General Laws.

TOTAL LIFETIME COST - The total net cost to the Town of a motor vehicle over its expected useful life including the price for purchase or leasing plus the total net cost to the Town of purchasing fuel or other energy and replacement parts, and performance of repairs and maintenance, over the expected useful life of the vehicle.

ZERO EMISSION VEHICLE - A battery electric vehicle or a fuel cell vehicle.

§###-3 - Energy Efficiency Standards for Procurement of Motor Vehicles by Town Departments.

a) Priority for Procurement of Zero Emission Vehicles - Any instrumentality of the Town which intends to procure a motor vehicle by purchase or lease shall select a zero emission vehicle if there is such a listed vehicle and otherwise unless the head of such instrumentality documents in writing that there is no commercially available zero emission vehicle capable of serving the functions required the Town in the normal usage of such motor vehicle or that it is likely that the total lifetime cost of such zero emission vehicle would materially exceed the total lifetime cost of a conventional motor vehicle.

b) Preference for Procurement of Plug-In Hybrid Electric Vehicles - In the event that there is no commercially available zero emission vehicle that would meet the requirements of sub-section (a), the instrumentality shall procure a plug-in hybrid electric vehicle for such purposes if there is such a list vehicle and otherwise unless the head of such instrumentality documents in writing that there is no commercially available zero emission vehicle capable of serving the functions required by the Town in the normal usage of such motor vehicle or that it is likely that the total lifetime cost of such zero emission vehicle would materially exceed the total lifetime cost of a conventional motor vehicle.

c) Exception for Emergency Procurement of Motor Vehicles - The Town Manager may authorize the purchase of a conventional motor vehicle by an instrumentality of the Town if he or she determines that an emergency exists which requires the immediate purchase of a motor vehicle by the Town and that it is not feasible to complete the procurement of a zero emission vehicle within the time frame required by such emergency.

d) Effective Date - This bylaw shall apply to any procurement which will be completed on or after January 1, 2022.

Or take any other action related thereto.

(Energy Committee)

Motion: Dean Nicastro, Select Board, moved that the Town vote to amend its General Bylaws as printed in the Warrant for Article 58.

Explanation: This warrant article requires the Town to purchase or lease electric vehicles or a hybrid plug-in whenever possible. There is a provision that would allow the Town to purchase a non-electric if there was no electric vehicle could meet the specific needs of the Town or if the cost of the electric vehicle were materially more than what a conventional car would cost. Because of the provision for purchase of a non-electric if there was no electric vehicle meeting the specific needs of the Town available, the passage of this article will not cost the Town any additional funds over the lifetime of the vehicle's use.

Select Board Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: CONSENT CALENDAR

Article 59 - Petitioned Article – Commercial Single-Use Plastic Water Bottle Ban

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Chatham, Massachusetts.

Section 1. Sale of Single-use Plastic Water Bottles

Effective on December 31, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Chatham. Enforcement of this regulation will begin December 31, 2021.

Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G. L. Chapter 40 § 21D. The following penalties apply:

- First violation: Written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Chatham.

All businesses will be routinely inspected until the Town Manager deems the inspection to no longer be required.

(Petitioner)

Explanation: *Single-use plastic bottles are made from non-renewable fuels, leach chemicals into consumables, and never biodegrade. Single-use plastic bottles impact environmental health, and the health and longevity of other species, who may ingest plastic as food. Ultimately, plastic re-enters the human food chain where the adverse consequences are both known and emerging.*

Like plastic production, recycling single-use plastic affects environmental and human health through emissions. Additionally, recycling single-use plastic is not a closed-loop process and does not reduce the need to create virgin plastic for use in the production of single-use plastic water bottles. Indeed, recycled plastic increases the presence of plastic in our environment through plastic downcycling, a production term that references the use of recycled plastic in other products from fabric to building materials.

Over 1,500 single-use plastic water bottles are used and discarded in the U.S. per second. Elimination of the use of single-use plastic water bottles will have a significant impact on future plastic-based pollution including the nation's greenhouse gas footprint and is consistent with protection of the natural environment in Chatham, Barnstable County, our nation and our earth, which we have a common responsibility to protect and steward.

Select Board Recommendation: **Approve 3-1-0**

Finance Committee Recommendation: **Approve 4-3-0**

VOTE: Voice. "So Voted by a Majority", declared the Moderator.

Article 60 - Petitioned Article – Climate Policy

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Chatham, Massachusetts as Chapter 130-1:

Chapter 130 Climate Policy

§130-1. Climate Policy. The Town of Chatham recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses an imminent threat to the health, safety and economic security of the residents of the Town. The Town of Chatham therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and directs that all officers and departments of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

(Petitioner)

Motion: By Petitioner
Motion to be provided by the petitioner.

Select Board Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-0-0

VOTE: CONSENT CALENDAR

**Article 61 – Petitioned Article – Protective (Zoning) Bylaw Amendment -
Clarification of Definition of Sizes and Exemption from Coverage Calculation for Small Sheds**

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend its Protective Bylaw (Zoning) in Section III.D.3.h, Accessory Buildings and Structures, as follows:

h. Accessory Building & Structures

1. Over 100 square feet in area

All structures accessory to a residential use, including buildings over one hundred (100) square feet in area; swimming pools and tennis courts and their enclosures, shall be set back from the street and abutters as required for buildings and structures in Appendix II, Schedule of Dimensional Requirements. (5/14/12 ATM)

2. ~~Under~~ 100 square feet or less in area

A single one-story storage structure of one hundred (100) square feet or less in area shall not be counted toward building coverage on residentially zoned lots.

a. Garden Storage Sheds

Garden Storage Sheds ~~under~~ of one hundred (100) square feet or less in area shall be set back a minimum of one third (1/3) the distance of the Abutters Setback from the property line, as required for buildings and structures in Appendix II, Schedule of Dimensional Requirements. Placement of Garden Storage Sheds within the Street Setback area is prohibited, except by Special Permit from the Zoning Board of Appeals. There shall be no more than one (1) Garden Storage Shed located within the required setback area. The Building Height of these Garden Storage Sheds shall not exceed twelve feet (12') for sheds with gable, gambrel, hip or lean-to or saltbox style roofs and eight feet (8') for shed or flat style roofs.

b. Utility Sheds

Utility Sheds ~~under~~ of one hundred (100) square feet or less in area shall be set back the distance of the Abutters Setback to the property line as required for buildings and structures in Appendix II, Schedule of Dimensional Requirements. The Building Height of these Utility Sheds shall not exceed ten feet (10') for sheds with gable, gambrel, hip or lean-to or saltbox style roofs and eight feet (8') for shed or flat style roofs. (5/14/12 ATM)

3. Structures Under 25 square feet in area

Single story structures under twenty five (25) square feet in area and six feet (6') or less in height shall be set back a minimum of one third (1/3) the distance of the Abutters Setback from the property line as required for buildings and structures in Appendix II, Schedule of Dimensional Requirements. A single structure under twenty five (25) square feet in area and six feet (6') or less in height shall not be counted toward building coverage on residentially zoned lots.

(Petitioner)

NO MOTION

Explanation: *This Article serves two purposes. First, the existing language addresses storage sheds of over 100 square feet and those under 100 square feet, but through inadvertence, doesn't address those which measure exactly 100 square feet, and the proposed change clarifies the matter.*

In addition, it would exempt storage sheds of 100 square feet or less from coverage limitations in the Bylaw. At present, a homeowner wanting a small storage shed is in many cases required to go before the Zoning Board of Appeals for relief (which sometimes cannot be granted), and this change would allow for the installation of a single one-story storage shed without consideration of coverage issues. All other dimensional requirements, including setbacks, would still apply.

Select Board Recommendation: Approve 5-0-0

Planning Board Report/Recommendation: Recommendation from Town Meeting floor.

Finance Committee Recommendation: Approve 6-0-1

Vote Required: Two-Thirds Majority

**Article 62 - Petitioned Article – Adopt MGL Part I, Title IX, Ch. 59,
Sections 5C, 5C½ and 5C¾**

To see if the town shall vote to advise the Select Board to adopt Massachusetts General Law Part 1, Title IX, Chapter 59, Sections 5C, 5C1/2, 5C3/4, which collectively provide the predicate authority for the town to institute the so called Residential Real Estate Tax Exemption, and to

take the necessary action to implement a Residential Tax Exemption for the Town of Chatham that shall be calculated at a level of twenty percent (20%), And further, that the Select Board shall thereafter, on at least an annual basis, meet to consider raising the rate of the exemption within the statutory limits established by the Commonwealth, but in no instance to reduce the rate below that of twenty percent (20%), and to take any other action related thereto.

(Petitioner)

Motion: Petitioner Seth Taylor moved that the Town vote to advise the Select Board to adopt Massachusetts General Law Part 1, Title IX, Chapter 59, Sections 5C, 5C1/2, 5C3/4, which collectively provide the predicate authority for the town to institute the so called Residential Real Estate Tax Exemption, and to take the necessary action to implement a Residential Tax Exemption for the Town of Chatham that shall be calculated at a level of twenty percent (20%), And further, that the Select Board shall thereafter, on at least an annual basis, meet to consider raising the rate of the exemption within the statutory limits established by the Commonwealth, but in no instance to reduce the rate below that of twenty percent (20%).

Select Board Recommendation: Approve 0-5-0

Finance Committee Recommendation: Approve 0-7-0

VOTE: Voice.

After a Request for a Hand Count:

HAND COUNT:

YES: 46

NO: 76

“Article 62 does not pass”, declared the Moderator.

**Article 63 - Petitioned Article – Design, Construction, and Equipping
a New Council on Aging (COA) Facility on Stepping Stones Road**

To see if the Town will vote to appropriate a sum of money for the purpose of paying costs of design, construction and equipping a new Council on Aging (COA) Facility on not more than two acres of land on the north side of Stepping Stones Road, bounded by the bike path and Stepping Stones Road, and owned by the Town of Chatham, being a portion of the land described in an Order of Taking recorded at the Barnstable Registry of Deeds Book 1128, Page 520, and shown on a plan recorded in Plan Book 164, Page 97, including payment of all other costs incidental and related thereto, and to authorize the Treasurer, with the approval of the Select Board, to borrow said sum under and pursuant to Chapter 44, § 7(1) of the General Laws or pursuant to any other enabling authority to meet this appropriation, and to issue bonds or notes of the Town, therefor; provided however, that no sums shall be borrowed or expended hereunder unless the Town shall have voted to exclude the amounts needed to repay any

borrowing authorized by this vote from the limitation imposed upon the total property taxes that may be levied within the Town by Chapter 59 §21C, of the Massachusetts General Laws (Proposition Two and One-Half), or take any action in relation thereto.

(Petitioner)

NO MOTION

We further request that the Select Board include under Article 1, Annual Town Election, a ballot question making any appropriation under this Article subject to a debt exclusion vote under Proposition Two and One-Half, so-called, in substantial substance as follows:

Question _____. Shall the Town of Chatham be allowed to exempt from the provisions of Proposition Two and One-Half, so called, the amounts required to pay for the bonds issued for the purpose of paying costs of design, construction and equipping a new Council on Aging (COA) Facility at a site located on Stepping Stones Road, including the payment of all other costs incidental and related thereto?

Select Board Recommendation: **Approve 0-5-0**

Finance Committee Recommendation: **Approve 1-6-0**

Vote Required: Two-Thirds Majority

MOTION TO ADJOURN: At 3:35 pm, Select Board Chair Shareen Davis moved that we adjourn this Annual Town Meeting.

VOTE: Voice. So Voted.